MEMORANDUM

TO: Mayor Craig Brown and Members of Council

CC: City Manager Office, Executive Leadership Team, City Attorney Office

FROM: Sally Bakko, Director of Policy and Governmental Relations

DATE: March 12, 2021

RE: Filed State Legislation Highlights Report, as of March 12, 2021

The following bills that may be of interest to the City of Galveston were filed as of March 12, 2021, for the 87th Texas Legislature.

"DEFUND POLICE" LOCAL GOVERNMENTS

H.B. 2695 (Noble) – Law Enforcement Funding: would:

1. characterize a "defunding local government" as a city or county: (a) that adopts a budget for a fiscal year that, in comparison to the local government's preceding fiscal year, reduces: (i) the appropriation to the local government's law enforcement agency; (ii) the number of peace officers the local government's law enforcement agency is authorized to employ; (iii) funding for peace officer overtime compensation for the local government's law enforcement agency; or (iv) funding for the recruitment and training of new peace officers to fill each vacant peace officer position in the local government's law enforcement agency; and (b) for which the criminal justice division of the governor's office issues a written determination finding that the local government has taken an action described by (a), above;
2. provide that in making a determination of whether a local government is a "defunding local government" according to the budget adopted for the first fiscal year beginning on or after September 1, 2021, the criminal justice division of the governor's office shall compare the funding and personnel in that budget to the funding and personnel in the budget of the preceding fiscal year or the second preceding fiscal year, whichever is greater;
3. provide that a local government is considered a defunding local government until the criminal justice division of the governor's office issues a written determination finding that the local government has reversed the inflation-adjusted reductions described in Number 1(a), above;
4. require the criminal justice division of the governor's office to: (a) compute the inflation rate used to make determinations under Number 3, above, each fiscal year using a price index that accurately reports changes in the purchasing power of the dollar for local governments in this state; and (b) publish the inflation rate in the Texas Register;
5. provide that a defunding city may not increase the combined revenues of the city's general fund, enterprise funds, and special revenue funds for a fiscal year above the combined revenues of the same funds for the immediately preceding fiscal year ;
6. provide that the limitation in Number 5, above, does not apply to revenues used to repay voter-approved bonded indebtedness, excluding certificates of obligation;
7. require the chief fiscal officer of a defunding city to, before the city council may adopt a budget for a fiscal year, verify in writing that the budget complies with Number 5, above;
8. provide that if a defunding city adopts a budget that exceeds the combined revenues allowed under Number 5, above, a taxpayer of the defunding city may bring a lawsuit against the budget or the

property tax rate adopted for the same fiscal year; and provide that a city is no longer considered to be a defunding city for purposes of this section when the criminal justice division of the governor's office issues a written determination finding that the city has reversed the reductions described in Number 1(a).

H.B. 3021 (Burns) – Law Enforcement Funding: would:

1. characterize a "defunding local government" as a city or county: (a) that adopts a budget for a fiscal year that, in comparison to the local government's preceding fiscal year, reduces: (i) the appropriation to the local government's law enforcement agency; (ii) the number of peace officers the local government's law enforcement agency is authorized to employ; (iii) funding for peace officer overtime compensation for the local government's law enforcement agency; or (iv) funding for the recruitment and training of new peace officers to fill each vacant peace officer position in the local government's law enforcement agency; and (b) for which the criminal justice division of the governor's office issues a written determination finding that the local government has taken an action described by (a), above;
2. provide that in making a determination of whether a local government is a "defunding local government" according to the budget adopted for the first fiscal year beginning on or after September 1, 2021, the criminal justice division of the governor's office shall compare the funding and personnel in that budget to the funding and personnel in the budget of the preceding fiscal year or the second preceding fiscal year, whichever is greater;
3. provide that a local government is considered a defunding local government until the criminal justice division of the governor's office issues a written determination finding that the local government has reversed the inflation-adjusted reductions described in Number 1(a), above;
4. require the criminal justice division of the governor's office to: (a) compute the inflation rate used to make determinations under Number 3, above, each fiscal year using a price index that accurately reports changes in the purchasing power of the dollar for local governments in this state; and (b) publish the inflation rate in the Texas Register;
5. provide that the comptroller may not, before July 1 of each state fiscal year, send to a defunding city its share of city sales and use taxes collected by the comptroller during the state fiscal year;
6. provide that before sending the defunding city its share of sales and use taxes, the comptroller shall deduct the amount reported to the comptroller for the defunding city under Number 7, below, and credit that deducted amount to the general revenue fund, which must be appropriated only to the Department of Public Safety;
7. provide that not later than August 1 of each state fiscal year, the criminal justice division of the governor's office shall report to the comptroller for each defunding city the amount of money the state spent in that state fiscal year to provide law enforcement services in the defunding city; and provide that a city is no longer considered to be a defunding city for purposes of this section when the criminal justice division of the governor's office issues a written determination finding that the city has reversed the reductions described in Number 1(a).

H.B. 3151 (Leman) – Law Enforcement Funding:

1. characterize a "defunding local government" as a city or county: (a) that adopts a budget for a fiscal year that, in comparison to the local government's preceding fiscal year, reduces: (i) the appropriation to the local government's law enforcement agency; (ii) the number of peace officers the local government's law enforcement agency is authorized to employ; (iii) funding for peace officer overtime compensation for the local government's law enforcement agency; or (iv) funding for the recruitment and training of new peace officers to fill each vacant peace officer position in the local government's law enforcement agency; and (b) for which the criminal justice division of the

governor's office issues a written determination finding that the local government has taken an action described by (a), above;

2. provide that in making a determination of whether a local government is a "defunding local government" according to the budget adopted for the first fiscal year beginning on or after September 1, 2021, the criminal justice division of the governor's office shall compare the funding and personnel in that budget to the funding and personnel in the budget of the preceding fiscal year or the second preceding fiscal year, whichever is greater;
3. provide that a local government is considered a defunding local government until the criminal justice division of the governor's office issues a written determination finding that the local government has reversed the inflation-adjusted reductions described in Number 1(a), above; and
4. require the criminal justice division of the governor's office to: (a) compute the inflation rate used to make determinations under Number 3, above, each fiscal year using a price index that accurately reports changes in the purchasing power of the dollar for local governments in this state; and (b) publish the inflation rate in the Texas Register.

S.B. 913 (Buckingham) – Public Safety Funding: would: (1) prohibit a city from receiving a grant awarded by the criminal justice division of the governor's office if the division determines that: (a) the city has adopted a budget for a fiscal year for the city police department that, in comparison to the preceding fiscal year, reduces the budget of the department by five percent or more and the reduction is not due to a similar decrease in the amount of tax revenue collected by the city; and (b) the reduction will have a significant, adverse effect on public safety within the city; (2) require a city that is receiving money under a grant awarded by the criminal justice division of the governor's office to notify the division of any reduction described in (1)(a), above, not later than the 15th day after the date the reduction takes effect; (3) provide that, at the request of the criminal justice division, the city must provide a description of the reduction and any anticipated effects on public safety; (4) require the governor's criminal justice division to require a city applying for a grant to: (a) disclose whether the most recent budget of the city constitutes a reduction under (1)(a), above; and (b) provide a description of the reduction and any anticipated effects on public safety.

TEXAS WINDSTORM INSURANCE ASSOCIATION

HB 3564 (Paul) Department of Insurance Certificate of Compliance: Removes from statute a provision that allows the Texas Department of Insurance to rescind a certificate of compliance that they have issued for a completed windstorm inspection.

H.B. 3809 (Hunter) TWIA premium rate setting policies: among the changes, the Texas Department of Insurance commissioner is charged with setting and adopting premium rates charged for: TWIA policies, reinsurance policies; reinsurance purchased by member insurers; and reinsurance purchased by TWIA. Premiums man not be charged for a TWIA policy at a rate different from the rate set and adopted by the commissioner. When setting premium rates, the commissioner must consider relevant revenue and expenses. Premium rates set by the commissioner must be reasonable to the public and nonconfiscatory to the member insurers (provide for a fair return). The commissioner will hold a public hearing on a premium rate change, in response to a request from TWIA. TWIA cannot request more than one hearing in a 12-month period. A decision and final order on a premium rate change must be rendered by the commissioner no later than the 120th day follow the date commissioner receives a written request from TWIA. If the commissioner fails to comply with this timeframe, TWIA may petition the district court. The provides for procedures when petitioning the court. The commissioner

may order a public hearing at any time to consider adoption of premium rates for TWIA. Notice of hearings conducted by the commissioner must occur 60 days prior to the date of the hearing.

H.B. 3810 (Hunter) TWIA premium rate setting authority: provides that TWIA may use a rate filed by the association without prior approval of the Texas Department of Insurance commissioner as long as rate does not exceed the rate in effect on the date the filing is made; and establishes that a premium rate increase requires a two-thirds vote of the board of directors to approve the new rate.

COASTAL STORM SURGE SUPPRESSION SYSTEM

S.B. 1160 (Taylor) Gulf Coast Protection District: creates the district that will become the non-federal sponsor for the U.S. Army Corps of Engineers Recommended Plan for a storm surge suppression system. In order to meet USACE requirements, the district will have authority to issue bonds; impose fees; impose a tax; and will be granted the power of eminent domain. The district will be governed by an 11-member board appointed by the Governor after consulting with the commissioners courts of Brazoria County, Chambers County, Galveston County, Harris County, Jefferson Count, and Orange County before appointing board members. (Companion bill is HB 3029 by Paul).

S.B. 1266 (Taylor) Joint Committee on Coastal Barrier System: re-establishes the joint interim committee to continue the study of the implementation of a coastal barrier system along the upper Gulf coast. As part of the committee's makeup, members of: the Senate Committee on Natural Resources, House Committee on Land and Resource Management, two members of appointed by the House Speaker each of whom represent a district in a count that borders the Gulf of Mexico, and the Lt. Governor and House Speaker shall joint designate a chair or designate co-chairs from among the committee membership. Not later than December 1, 2022, the committee will prepare a report to the governor and legislature of the findings from the study and any recommendations. (Companion bill is HB 3537 by Paul).

COVID RESPONSE

H.B. 2662 (Krause) – Regulations: would permanently eliminate various regulations waived during the COVID-19 pandemic, and:
For city meetings held by telephone conference:
1. provide the governmental body is not prohibited from holding an open or closed meeting from one or more remote locations by telephone conference;
2. remove the requirement that an emergency or public necessity exist;
3. require the notice of the meeting: (a) include the statement "Telephone conference call under Section 551.125, Government Code" in lieu of the place of the meeting; (b) list each physical location where members of the public may listen to or participate in the meeting; (c) include access information for an audio feed of the meeting; and (d) if applicable, include instructions for members of the public to provide testimony to the governmental body;
4. require that any method of access that is provided to the public for listening to or participating in the telephone conference call meeting be widely available at no cost to the public;
5. require that each part of the meeting that is required to be open to the public shall be audible to the public and shall be recorded, and the recording shall be made available to the public;

6. require the identification of each party to the telephone conference be clearly stated prior to speaking; and

7. require that, if the governmental body prepares an agenda packet that would have been distributed to members of the public at a face-to-face meeting, the packet must be available electronically so that members of the public listening remotely can follow along with the meeting.

For city meetings held by videoconference:

1. provide the governmental body is not prohibited from holding an open or closed meeting from one or more remote locations by videoconference;

2. allow a member of the governmental body to participate remotely in a meeting by videoconference call if the audio feed and, if applicable, video feed of the member's or employee's participation complies with the other requirements for a videoconference meeting;

3. provide that a member of a governmental body who participates as described in Number 2, above, shall be counted as present at the meeting for all purposes;

4. provide that a member of a governmental body shall be considered absent from any portion of the meeting during which audio communication with the member is lost or disconnected, and that the body may continue the meeting only if members in a number sufficient to constitute a quorum remain audible and visible to each other and, during the open portion of the meeting, to the public;

5. require the notice of the meeting: (a) include the statement "Videoconference call under Section 551.127, Government Code" in lieu of the place of the meeting; (b) list each physical location where members of the public may observe or participate in the meeting; (c) include access information for both audio-only and audiovisual feeds of the meeting; and (d) if applicable, include instructions for members of the public to provide testimony to the governmental body;

6. require that any method of access that is provided to the public for the purpose of observing or participating in a meeting be widely available at no cost to the public;

7. require each portion of a meeting held by videoconference call that is required to be open to the public shall be audible and, if applicable, visible to the public;

8. provide that if a problem occurs that causes a meeting to no longer be audible to the public, the meeting must be recessed until the problem is resolved;

9. require an audio recording of the meeting, and that the recording be made available to the public;

10. provide that the face of each participant who is participating in the call using video communication, while that participant is speaking, be clearly visible and audible to each other participant, and during the open portion of the meeting, to the members of the public, including at any location described by Number 5(b);

11. provide that participant using solely audio communication: (a) shall, while speaking, be clearly audible to each other participant and, during the open portion of the meeting, to the members of the public, including at any location described by Number 5(b);

12. authorize the Department of Information by rule to specify minimum technical quality standards for the meeting, and require that access information described by Number 5(c) be of sufficient quality so that members of the public can observe the demeanor or hear the voice, as applicable, of each participant in the open portion of the meeting;

13. provide that a governmental body: (a) may allow a member of the public to testify at a meeting from a remote location by videoconference call; and (b) must allow a member of the public testify from a remote location using video or audio communication if holding a meeting by videoconference call where public testimony is taken; and

14. require that, if the governmental body prepares an agenda packet that would have been distributed to members of the public at a face-to-face meeting, the packet must be available electronically so that members of the public observing remotely can follow along with the meeting.

For licensed food services establishments (i.e., a place where food is prepared for individual portion service), allow the establishment to sell directly to an individual consumer food, other than prepared food, that:
1. is in its original condition or packaging as received by the establishment;
2. is labeled with the name and source of the food and the date the food is sold;
3. bears an official mark of USDA inspection, if the food is meat or poultry;
4. does not exceed the shelf life as displayed on the packaging; and
5. has been properly refrigerated, if applicable.

For first responder organizations:
1. require the executive commissioner of State Health Services during a state of disaster to provide a first responder organization a grace period of not more than 30 days from the date the organization's license expires to submit the application and other materials necessary to renew the license.

For emergency medical services providers operating during a state disaster:
1. allow a medical director of an emergency medical services system to authorize certain individuals who are not certified as EMS personnel to provide EMS services; and
2. allow the executive commissioner of State Health Services to temporarily waive skills proficiency testing requirements for EMS personnel and out-of-state advanced emergency medical technicians seeking reciprocity in Texas.

H.B. 2760 (White) – Isolation or Quarantine Control Measures: would provide, among other things, that: (1) an individual retains the right to choose and make decisions regarding the medical treatment provided to the individual or the individual's child and the right to refuse: (a) a medical treatment or procedure; (b) medical test; (c) a physical or mental examination; (d) an immunization; (e) an experimental procedure or protocol; (f) the collection of a specimen; (g) participation in a tracking or tracing program; (h) participation in wearing a medical or other protective device; (i) participation in maintaining a measured distance from other individuals or animals, unless the distance is required by law or under a court order; and (j) involuntary disclosure of personal data or medical information; (2) before ordering an individual or a group of individuals to implement control measures that involve isolation or quarantine, the Department of State Health Services (DSHS) or a health authority must: (a) provide notice of the control measures to the individual or group of individuals; (b) provide to the individual or group of individuals an opportunity to demonstrate that the implementation of control measures is not necessary; and (c) obtain from a district court in a county in which the individual or group of individuals resides, is located, or is receiving court-ordered health services a court order authorizing DSHS or a health authority to order the individual or group of individuals to implement control measures; (3) to obtain a court order under (2)(c), above, DSHS or a health authority must demonstrate to the court by clear and convincing evidence that the individual or group of individuals is infected with or is reasonably suspected of being infected with a communicable disease that presents a threat to public health; (4) in ordering an individual or group of individuals to implement control measures under that involve isolation or quarantine, DSHS or a health authority to the greatest extent possible must: (a) use the least restrictive means available; and (b) allow an individual to isolate or quarantine in the individual's home or with a family member, a friend, or another individual with whom the individual is involved in a romantic relationship; and (5) repeal the provision that provides that

during an emergency or an area quarantine or after a state declared disaster a medical treatment exemption does not apply to an individual who chooses treatment by prayer or spiritual means as part of the tenets and practices of a recognized church of which the individual is an adherent or member.

S.B. 967 (Kolkhorst) – Expiration of Public Health Orders: would provide that a public health order issued by a health authority that is imposed on more than one individual, animal, place, or object expires on the eighth day following the date the order is issued unless, before the eighth day, the governing body of a municipality or the commissioners court of a county that appointed the health authority by majority vote extends the order for a longer period.

S.B. 968 (Kolkhorst) – Public Health Disaster Preparedness: would provide that: (1) the Texas Division of Emergency Management (TDEM) shall enter into a contract with a manufacturer of personal protective equipment (PPE) that guarantees that TDEM is given priority in the purchase of the equipment over other persons, including other states and local governments, during a declared public health disaster; (2) TDEM may purchase PPE under a contract described by (1), above, only if: (a) a public health disaster is declared by the commissioner of state health services; and (b) TDEM determines the state's supply of PPE will be insufficient based on an evaluation of the PPE: (i) held in reserve in this state; and (ii) supplied by or expected to be supplied by the federal government.

WINTER STORM RESPONSE

H.B. 11 (Paddie) – Extreme Weather Emergency Preparedness: would: (1) define "extreme weather emergency" as a period when: (a) the previous day's highest temperature did not exceed 10 degrees Fahrenheit and the temperature is predicted to remain at or below that level for the next 24 hours according to the nearest National Weather Service reports; or (b) the National Weather Service issues a heat advisory for any county in the relevant service territory, or when such an advisory has been issued on any one of the previous two calendar days; (2) require the Public Utility Commission (PUC) to adopt rules that require each provider of generation in the ERCOT power region to: (a) implement measures to prepare generation facilities to provide adequate electric generation service during an extreme weather emergency; (b) make all reasonable efforts to prevent interruptions of service during an extreme weather emergency; (c) reestablish service within the shortest possible time, should an interruption occur due to an extreme weather emergency; and (d) make reasonable efforts to manage emergencies resulting from a failure of service caused by an extreme weather emergency, including issuing instructions to its employees on procedures to be followed in the event of an extreme weather emergency; (3) require the PUC to adopt rules to require each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission or distribution service in the ERCOT power region to: (a) implement measures to prepare facilities to maintain service quality and reliability during a weather emergency; (b) make all reasonable efforts to prevent interruptions of service during an extreme weather emergency; (c) reestablish service within the shortest possible time, should an interruption occur due to an extreme weather emergency; and (d) make reasonable efforts to manage emergencies resulting from a failure of service caused by an extreme weather emergency, including issuing instructions to its employees on procedures to be followed in the event of an extreme weather emergency; and (4) provide that the rules adopted under (2) and (3) may not neglect any local neighborhood or geographic area, including rural areas, communities or less than 1,000 people, and low-income areas.

H.B. 12 (Raymond) – Study on Statewide Extended Power Outage: would:

1. require the Texas Division of Emergency Management to conduct a study on the efficacy of existing mass notification deployments by local governmental entities throughout this state and the feasibility of establishing a statewide disaster alert system;

2. provide that the study in (1) must: (a) identify the costs to local governmental entities associated with existing local disaster alert or notification systems; (b) examine the potential benefits to local governmental entities of implementing an alert system in coordination with this state, including: (i) improving this state's ability to coordinate state and local responses to disasters; and (ii) eliminating barriers to successful mass notification and communication encountered by local governmental entities during disasters; (c) examine the importance of a local governmental entity's discretion regarding the entity's level and manner of participation in the alert system; (d) examine potential costs to local governmental entities or this state associated with implementing the alert system; (e) examine the ability of local governments to communicate with ERCOT, the PUC, and electric utilities that serve their area; and (f) identify any state or local governmental entity actions necessary to implement a comprehensive alert system that would include alerts related to extended power outages;

3. provide that TDEM shall prepare a report on the findings of the study and submit it to the governor, lieutenant governor, and the legislature;

4. provide that an electric utility, ERCOT, and the PUC shall provide information related to the comprehensive alert system to TDEM on request and such information is confidential and excepted from disclosure under the Public Information Act;

5. provide that TDEM, with the cooperation of the office of the governor, the PUC, and ERCOT, may develop and implement a statewide disaster alert system to activate in the event of a disaster affecting any location in this state;

6. provide that if, based on the findings of the study conducted in Number 1, above, the division and office of the governor conclude that the benefits to this state and local governmental entities of implementing a coordinated alert system outweigh any additional costs, TDEM, with the cooperation of the office and other appropriate state agencies and using money available for the purpose, shall develop and implement the alert system;

7. provide that a local governmental entity that chooses to participate in an alert system in Number 5, above, may use available local funds for that purpose and may contract with TDEM for services associated with the alert system and that a local governmental entity is not required to use local funds to allow an electric utility to participate in the alert system;

8. provide that an alert system in Number 5, above may be: (a) operated in conjunction with any other emergency alert system required by federal or state law; and (b) designed to notify persons statewide of a disaster affecting any location in this state;

9. provide that an alert system in Number 5, above, designed to communicate about an extended power outage must apply to areas served by non-ERCOT utilities;

10. provide that when TDEM determines a disaster has occurred or the occurrence or threat of disaster is imminent or is notified of a declaration of disaster, TDEM may immediately activate any alert system implemented in Number 5, above, and that a participating local governmental entity may, in coordination with TDEM, choose the manner in which the alert system is activated and notifications are issued within the entity's geographic region;

11. provide that TDEM, or local governmental entity, as appropriate, may issue updated notifications for the duration of the disaster;

12. require an electric utility to notify ERCOT, the PUC, and TDEM of an interruption in service that is likely to last more than 24 hours;

13. provide that a notification issued under Number 5, above, may include information necessary to: (a) assist a person affected by the disaster with making informed decisions regarding the person's safety; and (b) enable a person in another location in this state to assist an affected person;

14. provide that TDEM may terminate the activation of an alert system when: (a) the division determines that the threat or danger has passed or the disaster has been addressed to the extent that emergency conditions no longer exist; (b) the service interruption caused by the extended power outage has ended; or (c) the state of disaster is terminated; and

15. provide that TDEM may adopt rules to implement the alert system and may consult with the PUC, ERCOT, or an electric utility when drafting the rules.

H.B. 17 (Deshotel) – Restriction on Regulation of Utility Services: would: (1) define "regulatory authority" as the Public Utility Commission, Railroad Commission, or the governing body of a municipality, in accordance with the context; (2) define "utility" as a person, company, or corporation engaged in furnishing water, gas, telephone, light, power, or sewage service to the public; (3) prohibit a regulatory authority, planning authority, or political subdivision of this state from adopting or enforcing an ordinance, resolution, regulation, code, order, policy, or other measure that has the purpose, intent, or effect of directly or indirectly banning, limiting, restricting, discriminating against, or prohibiting the connection or reconnection of a utility service or the construction, maintenance, or installation of residential, commercial, or other public or private infrastructure for a utility service based on the type or source of energy to be delivered to the end-use customer; (4) prohibit an entity, including a regulatory authority, planning authority, political subdivision, or utility, from imposing any additional charge or pricing difference on a development or building permit applicant for utility infrastructure that: (a) encourages those constructing homes, buildings, or other structural improvements to connect to a utility service based on the type or source of energy to be delivered to the end-use customer; or (b) discourages the installation of facilities for the delivery of or use of a utility service based on the type or source of energy to be delivered to the end-use customer; and (5) provide that the bill does not limit the ability of a regulatory authority or political subdivision to choose utility services for properties owned by the regulatory authority or political subdivision.

H.B. 2604 (Allison) – Load Shedding: would require the Public Utility Commission to adopt rules that require each electric utility, municipally owned utility, and electric cooperative to exclude any circuits that provide power to a public elementary or secondary school facility from participation in the utility's or cooperative's attempt to shed load in response to a rolling blackout initiated by an independent organization or another reliability council or power pool in which the utility or cooperative operates.

H.B. 2638 (Meza) – Load Shedding: would require the Public Utility Commission to adopt rules that require each electric utility, municipally owned utility, and electric cooperative that is subject to a rolling blackout initiated by an independent organization or another reliability council or power pool in which the utility or cooperative operates to rotate customer curtailment so that no part of the distribution system that serves a multifamily property with more than 25 units is subject to an outage of more than 6 hours.

H.B. 2642 (Campos) – Load Shedding: would provide that a municipal housing authority, in cooperation with the municipality in which the authority is located and with any electric utility, municipally owned utility, or electric cooperative that provides power to housing facilities operated by the authority, shall prioritize in an emergency the provision of electric utility services to each housing facility that is operated by the authority and that has residents that are elderly or disabled individuals.

H.B. 2661 (Muñoz) – Rolling Blackouts: would require the Public Utility Commission to: (1) adopt rules that require each electric utility, municipally owned utility, and electric cooperative that is subject to a rolling blackout initiated by an independent organization to rotate customer curtailment so that no customer is subject to an outage of more than 12 hours; and (2) conduct a study on: (a) methods to make the imposition of a rolling blackout equitable across Texas; and (b) measures needed in Texas to prevent the necessity of rolling blackouts.

H.B. 2687 (Reynolds) – Prevention of Power Blackouts: would, among other things: (1) require the Public Utility Commission to adopt rules that require a power generation company operating in the ERCOT power region to: (a) weatherize the company's generation facilities and associated equipment on an annual basis so that the facilities and equipment are able to operate in extreme cold and heat; and (b) submit annual weatherization plans to the PUC and the independent organization for the ERCOT power region; (2) provide that if the PUC or independent organization for the ERCOT power region determines that changes in the amounts of existing ancillary service obligations required by load serving entities are needed: (a) the PUC by rule may address the imbalance; and (b) the independent organization may make changes to its ancillary service obligations through a stakeholder process to address the imbalance; (3) require the PUC to adopt rules to establish a process for obtaining emergency response services in addition to ancillary services as appropriate to prevent rolling blackout conditions caused by shortages of supply in the ERCOT power region; (4) require the PUC to ensure that the total cost for ensuring emergency response services does not exceed $100 million annually; (5) in accordance with the rules in (3), require the independent organization for the ERCOT power region to contract with qualified loads, electric storage companies, and power generation companies, including aggregation of loads and generators, for a defined amount of emergency response service capacity the organization may call on to ensure that power shortages or demand spikes do not create a need for rolling blackouts; and (6) provide that before the independent organization for the ERCOT power region calls on the emergency response service capacity to prevent rolling blackouts, the organization shall use all market sources of power, including electric energy storage and demand reduction, in accordance with PUC rules.

H.B. 2717 (Landgraf) – Boil Water Notices: would: (1) require the operator of a public drinking water supply system, when required by a Texas Commission on Environmental Quality rule to issue a boil water notice to its customers, to: (a) provide the notice in writing to each customer as prescribed by TCEQ rule to the street address of the customer; and (b) attempt to reach each customer by electronic means to provide notice as prescribed by TCEQ rule; (2) require the operator of a public drinking water supply system to notify each customer that the boil water notice has expired in the manner described by (1); and (3) provide that TCEQ may require that a public utility that furnishes water to the public complete a program of weatherization if TCEQ finds that the public utility is at risk of being unable to provide water to customers for a significant period of time due to weather-related failures in equipment or infrastructure.

H.B. 2762 (Rogers) – Load Shedding: would require the Public Utility Commission to adopt rules that require each electric utility, municipally owned utility, and electric cooperative to exclude any circuits that provide power to a hospital facility or to a facility necessary to provide water to wholesale customers from participation in the utility's or cooperative's attempt to shed load in response to a rolling blackout initiated by an independent organization or another reliability council or power pool in which the utility or cooperative operates.

H.B. 2768 (Rogers) – Load Shedding: would require the Public Utility Commission to adopt rules that require each electric utility, municipally owned utility, and electric cooperative to exclude any circuits

that provide power to a commercial or public radio or television broadcasting facility from participation in the utility's or cooperative's attempt to shed load in response to a rolling blackout initiated by an independent organization or another reliability council or power pool in which the utility or cooperative operates.

H.B. 2786 (Vasut) – Load Shedding: would: (1) define "critical customer" as a customer for whom electric service is considered crucial for the protection or maintenance of public safety, including a: (a) hospital facility; (b) nursing facility, assisted living facility, or facility that provides hospice services; (c) police or fire station; or (d) critical water and wastewater facility; (2) define "critical industrial or residential customer" as: (a) an industrial customer for whom an interruption or suspension of electric service would create a dangerous or life-threatening condition on the customer's premises; or (b) a residential customer who has a person permanently residing in the customer's home who has been diagnosed by a physician as: (i) having a serious medical condition that requires an electric-powered medical device or electric heating or cooling to prevent the impairment of a major life function through a significant deterioration or exacerbation of the person's medical condition; or (ii) being dependent upon an electric-powered medical device to sustain life; (3) except as provided by (4) and (5), require the Public Utility Commission to adopt rules that require each electric utility, municipally owned utility, and electric cooperative that is subject to a rolling blackout initiated by an independent organization to: (a) exclude any parts of the utility's or cooperative's distribution system that provide power to a critical customer from participation in the utility's or cooperative's attempt to shed load; and (b) rotate curtailment of all other parts of the distribution system so that no customer is subject to an outage of more than: (i) 24 hours; or (ii) 12 hours during an extreme weather emergency; (4) provide that the PUC may allow an electric utility, municipally owned utility, or electric cooperative to maintain an outage for more than 24 hours for a part of the distribution system if necessary to supply critical customers; and (5) provide that the PUC may require that an electric utility, municipally owned utility, or electric cooperative exclude a critical industrial or residential customer from load shedding under (3)(a).

H.B. 2816 (Thierry) – Electric Reliability Standards: would require the independent organization to determine the amount of reserve capacity necessary to maintain a one-in-ten reliability standard in the ERCOT power region.

H.B. 2828 (Canales) – One-Time Payment to Utility Customers: would, among other things: (1) require the Public Utility Commission to establish a program to provide onetime cash payments from state funds appropriated for that purpose to retail customers of municipally owned utilities, electric cooperatives, and retail electric providers in the ERCOT power region in the amount of: (a) $250 for each residential retail account; and (b) $250 for each commercial retail account; and (2) require each municipally owned utility, electric cooperative, and retail electric provider to provide to the PUC a list of each retail account served by the utility, cooperative, or provider after February 13, 2021, and before February 19, 2021.

H.B. 2838 (Longoria) – Rolling Blackouts: would: (1) require the Public Utility Commission to adopt rules that require each electric utility, municipally owned utility, and electric cooperative that is subject to a rolling blackout initiated by an independent organization to rotate customer curtailment so that no customer is subject to an outage of more than 12 hours; and (2) provide that the PUC may make exceptions to the requirements in (1) to the extent necessary to supply facilities the PUC determines are critical to maintaining public health and safety.

H.B. 2849 (Larson) – Winter Weather Emergency Preparedness: would require the Public Utility Commission to adopt rules that require each provider of generation in the ERCOT power region to

implement measures to prepare the provider's generation facilities to provide adequate electric generation during a winter weather emergency.

H.B. 2861 (Bucy) – Load Shedding: would require the Public Utility Commission to adopt rules to require each electric utility, municipally owned utility, and electric cooperative to exclude any circuits that provide power to a facility that treats patients with end stage renal disease from participation in the utility's or cooperative's attempt to shed load in response to a rolling blackout initiated by an independent organization or another reliability council or power pool in which the utility or cooperative operates.

H.B. 2877 (Beckley) – Notice of Widespread Outage: would provide that as soon as practicable after: (1) an electric utility, municipally owned utility, or electric cooperative experiences a widespread power outage or a widespread electric service emergency, the utility or cooperative shall notify by telephone and e-mail each: (a) United States senator who represents Texas; (b) member of the United States House of Representatives who represents a district affected by the disruption or emergency; (c) statewide elected official; (d) member of the legislature who represents a district affected by the disruption or emergency; (e) elected official of a county government who represents an area affected by the disruption or emergency; and (f) elected official of a municipal government who represents an area affected by the disruption or emergency; (2) an electric utility, municipally owned utility, or electric cooperative experiences a widespread natural gas shortage or a widespread natural gas emergency, the utility or cooperative shall notify by telephone and e-mail each: (a) United States senator who represents Texas; (b) member of the United States House of Representatives who represents a district affected by the disruption or emergency; (c) statewide elected official; (d) member of the legislature who represents a district affected by the disruption or emergency; (e) elected official of a county government who represents an area affected by the disruption or emergency; and (f) elected official of a municipal government who represents an area affected by the disruption or emergency; and (3) a retail public utility experiences a widespread water service outage or a widespread water service emergency, the utility shall notify by telephone and e-mail each: (a) United States senator who represents Texas; (b) member of the United States House of Representatives who represents a district affected by the disruption or emergency; (c) statewide elected official; (d) member of the legislature who represents a district affected by the disruption or emergency; (e) elected official of a county government who represents an area affected by the disruption or emergency; and (f) elected official of a municipal government who represents an area affected by the disruption or emergency.

H.B. 2898 (Lopez) – Utility Shutoff Notice: would provide that: (1) not later than three hours after an electric utility, municipally owned utility, or electric cooperative intentionally shuts off electric power to a customer in response to an emergency event, the utility or cooperative shall notify the customer by e-mail or text message of: (a) the shutoff; (b) the estimated time and date that the utility or cooperative will restore electric power to the customer; and (c) whether the shutoff is part of a rolling outage; and (2) not later than three hours after a retail public utility intentionally shuts off water service to a customer in response to an emergency event, the utility shall notify the customer of the shutoff and the estimated time and date that the utility will restore water service to the customer by e-mail or text message.

H.B. 2979 (Paul) – Backup Power Supply: would: (1) require the Commission on State Emergency Communications to develop minimum performance standards for equipment and operation of 9-1-1 service to be followed in developing regional plans, including requirements that the plans provide for the installation and use of a backup power supply for a power outage; (2) require a city that owns or operates a utility service to provide water service to ensure that the utility system has a backup power supply for water treatment during a power outage; and (3) provide that the Texas Commission on

Environmental Quality may not grant a new certificate of convenience and necessity to an applicant unless the applicant demonstrates that the applicant has a backup power supply for water treatment during a power outage.

H.B. 2991 (Shaw) – Rolling Blackouts: would require the Public Utility Commission to adopt rules to require each electric utility, municipally owned utility, and electric cooperative: (1) to exclude any circuits that provide power to an assisted living facility, a facility that provides hospice services, or a nursing facility from participating in the utility's or cooperative's attempt to shed load in response to a rolling blackout initiated by an independent organization or another reliability council or power pool in which the utility or cooperative operates; and (2) to rotate customer curtailment so that no part of the distribution system is subject to an outage of more than 12 hours in a 24 hour period when it is subject to a rolling blackout initiated by an independent organization or another reliability council or power pool in which the utility or cooperative operates.

H.B. 3030 (Goodwin) – Notice of Outage: would: (1) define "significant interruption of service" as an interruption of essential products and services provided by a public service provider that lasts one or more hours and affects the provider's entire system, a major division of the provider's system, a community, a critical load, or service to interruptible customers, and a scheduled interruption lasting more than four hours that affects customers who are not notified in advance and includes: (a) a loss of service to 20 percent or more of the provider's customers, or 20,000 customers for a provider serving more than 200,000 customers; and (b) interruptions adversely affecting a community such as interruptions of governmental agencies, military bases, universities and schools, major retail centers, and major employers; (2) require all public service providers to enter into a contract for an emergency notification system for use in informing the provider's customers, governmental entities, and other affected persons regarding: (a) notice of a disaster, emergency, or significant interruption of service; and (b) any actions a recipient is required to take during a disaster, emergency, or significant interruption of service; (3) require the emergency notification system under a contract in (2) to provide notice of a significant interruption of service as soon as reasonably possible after the interruption occurs and include in the notification: (a) the general location of the interruption; (b) the cause of the interruption, if known; (c) the date and time that the interruption began; (d) the estimated date and time that service will be restored; and (e) the name and telephone number of the public service provider; and (4) provide that if the duration of a significant interruption of service is longer than 24 hours, the emergency notification system under a contract in (2) must provide an update to the information required in (3) not less than once every 24 hours that the interruption continues.

H.B. 3038 (Goodwin) – Electric Distribution Upgrades: would, among other things: (1) require each transmission and distribution utility, municipally owned utility, and electric cooperative to install and connect to an information network, for each customer, an advanced meter capable of allowing the utility or cooperative to shut off the customer's power when a rolling blackout is necessary; (2) require a transmission and distribution utility, municipally owned utility, and electric cooperative to develop or acquire the equipment or software necessary to shut off a customer's power in the event of a rolling blackout by using an advanced meter in (1); (3) require a utility or cooperative to make the software in (2) available to: (a) a county or municipal government, for the purpose of identifying critical load public safety customers; and (b) a retail electric provider, for the purpose of providing the utility or cooperative with a preferential order for customer curtailment; (4) require each transmission and distribution utility, municipally owned utility, and electric cooperative to make upgrades to the distribution system operated by the utility or cooperative for the purpose of more evenly distributing a rolling blackout; (5) require each transmission and distribution utility, municipally owned utility, and electric cooperative to install under-frequency relays throughout the distribution system operated by the utility or cooperative and

rotate which relays are active every year; (6) provide that a transmission and distribution utility, municipally owned utility, and electric cooperative may recover reasonable and necessary costs incurred in implementing (1)-(5); (7) require each transmission and distribution utility, municipally owned utility, and electric cooperative to make a plan for using advanced metering technology, software, equipment, and other upgrades to a distribution system authorized by the bill to deploy a rolling blackout; (8) provide that a critical load public safety customer includes: (a) long-term care facilities; (b) food pantries; (c) homeless shelters; (d) temporary shelters identified by the county government; and (e) critical telecommunications facilities; (9) require the Public Utility Commission to allow the county to designate a critical load public safety customer; (10) require a transmission and distribution utility, municipally owned utility, or electric cooperative to identify customers in the utility's or cooperative's service area who qualify as critical load public safety customers under PUC rules and are not designated as critical load public safety customers; and (11) require a utility or cooperative to notify the following entities of any critical load public safety customers identified in (10): (a) the PUC; (b) the independent system operator for the ERCOT power region, if applicable; and (c) a county or municipality where the customer resides.

H.B. 3059 (Guerra) – Load Shedding: would require the Public Utility Commission to adopt rules to require each electric utility, municipally owned utility, and electric cooperative to exclude any circuits that provide power to a facility necessary to provide water to wholesale customers and a facility necessary to provide natural gas transmission services from participation in the utility's or cooperative's attempt to shed load in response to a rolling blackout initiated by an independent organization or another reliability council or power pool in which the utility or cooperative operates.

H.B. 3061 (Davis) – Electricity Generation: would: (1) require the Public Utility Commission to adopt rules that require each provider of generation in the ERCOT power region to: (a) submit to the PUC annual maintenance plans showing how the provider will maintain generation assets; (b) periodically inspect and maintain generation assets to ensure that the assets can withstand extreme weather conditions; and (c) report to the independent organization for the ERCOT power region annual forecasts of the provider's generation capacity for a five-year period beginning with the year following the year in which the forecast is submitted; (2) require the PUC to require a person who operates a natural gas generation facility to maintain at the site of the facility an amount of natural gas as a reserve that will allow the facility to provide generation for at least 48 hours that equals at least 10 percent of the net dependable capability of the facility in the event of a natural gas shortage; (3) define "net dependable capability" as the maximum load in megawatts, net of station use, which a generating unit or generating station can carry under specified conditions for a given period of time, without exceeding approved limits of temperature and stress; and (4) require the PUC to submit a report to the legislature on the potential costs and benefits of establishing an emergency strategic electric energy reserve, including the feasibility of establishing a natural gas reserve and of constructing a state-owned power plant.

H.B. 3181 (Rosenthal) – Electric Emergency Preparedness: would require the Public Utility Commission to: (1) adopt rules that require each provider of generation in the ERCOT power region to implement measures to prepare the provider's generation facilities to provide full electric generation service at ambient temperatures between 0 degrees Fahrenheit and 120 degrees Fahrenheit; and (2) reduce the base capacity rating of a generation facility that is operated in violation of a rule adopted under (1) by 10 percent annually until the generation facility is no longer in violation or until the base capacity rating is reduced to zero.

SALES TAX

H.B. 2626 (Noble) – Imposition of Use Tax: would provide that state and local use taxes are imposed on the sales price paid by the purchaser of tangible personal property that is shipped or brought into the state by an affiliate of the producer.

S.B. 1038 (Schwertner) – Place of Business of a Retailer: would: (1) modify the definition of "place of business of the retailer" for city sales tax sourcing purposes to mean an established outlet, office, or location operated by the retailer or the retailer's agent or employee for the purpose of receiving orders for taxable items and including any location at which three or more orders are received by the retailer during a calendar year and at which at least four primary selling activities occur; and (2) define "primary selling activity" as: (a) any of the following actions, if performed by a retailer or the agent of a retailer: (i) exercising discretion and independent authority to solicit customers on behalf of the retailer and to bind the retailer to a sale; (ii) taking an action that binds the retailer to a sale, including accepting a purchase order or submitting an offer to a buyer that is subject to the buyer's unilateral acceptance; (iii) receiving a payment or issuing an invoice; (iv) engaging in marketing and solicitation activities on behalf of the retailer; (v) procuring goods for sale by the retailer; (vi) receiving and accepting purchase orders or, if the retailer's purchase orders are accepted, processed, or fulfilled in another location, receiving and accepting contracts and other documents; (vii) transferring title to an item to a buyer; or (viii) displaying goods for sale to prospective customers; or (b) the use of a structure owned or leased by a retailer to: (i) store or otherwise hold the retailer's inventory; (ii) house the retailer's business headquarters, meaning the location from which the retailer directs or manages the retailer's business; or (iii) provide office space for the retailer's officers, executives, or other employees who have authority to set prices and determine the terms of a sale.

BROADBAND SERVICES

H.B. 2667 (Smithee) – Broadband: would: (1) expand the definition of "telecommunication provider" for purposes of who is subject to the uniform charge that funds the universal service fund to include a provider of Voice over Internet Protocol service; (2) provide that the uniform charge to fund the universal service fund may be in the form of a fee or an assessment on revenues; (3) prohibit the Public Utility Commission from assessing the charge in a manner that is not technology neutral or grants an unreasonable preference based on technology; and (4) define "high cost rural area" for purposes of the universal service fund as: (a) an area served by a small provider; and (b) any exchange receiving support under the universal service fund as of December 31, 2020 where: (i) the population has not since increased by more than 100 percent since the year 2000; and (ii) there are less than 30 customers per route mile of plant in service.

PUBLIC SAFETY

H.B. 8 (Pacheco) – Request for Employment Records: would provide that: (1) a law enforcement agency that obtains written consent from a person licensed by the Texas Commission on Law Enforcement (TCOLE) to view the person's employment history shall make an electronic copy of the person's employment history available to a hiring law enforcement agency on request; and (2) TCOLE, by rule, shall prescribe the manner by which a law enforcement agency shall make a person's employment records electronically available to a hiring law enforcement agency, and such rules must provide appropriate privacy and security protections.

H.B. 2572 (Reynolds) – Office of Law Enforcement Oversight: would, among other things: (1) create the Office of Law Enforcement Oversight (Office) as a state agency for the purpose of monitoring the operations of law enforcement agencies and the use of force practices of those agencies; (2) provide that the director of the Office shall: (a) review the complaints received by the Office regarding the use of force by peace officers of law enforcement agencies; and (b) if the director determines that, based on complaints and other evidence, there is a pattern of use of excessive force at a law enforcement agency, the director may conduct an investigation into the agency's use of force practices; and (3) if the investigation substantiates the alleged pattern of use of excessive force, request the appropriate district or county attorney to bring an action to institute reforms to the agency's use of force practices, including an action against the agency for: (a) appropriate equitable relief, including authority for the Office to require and monitor any changes to policies, procedures, and other measures necessary to end, to the extent practicable, the use of excessive force by the peace officers of the law enforcement agency; or (b) the appointment of the Office as receiver of the law enforcement agency for the purpose of instituting the changes described in (3)(a), above; (4) provide that a law enforcement agency shall allow the Office access to the agency's records relating to an investigation conducted under (2), above, and in allowing access to such records, the law enforcement agency shall fully cooperate and collaborate with the Office in a prompt manner in order for the Office to carry out its duties and improve the agency 's operations and conditions; (5) the Office may inspect or review without notice any part of a facility of a law enforcement agency under investigation or any operation, policy, procedure, record, or log of the agency relating to: (a) a complaint received by the office; (b) the use of force against an individual; (c) the internal investigations process of the agency; and (d) employee or officer recruitment, training, supervision, or discipline; and (6) waive sovereign or governmental immunity, as applicable.

H.B. 2598 (Patterson) – Workers' Compensation: would provide that, for purposes of workers' compensation coverage for post-traumatic stress disorder (PTSD), the date of injury for PSTD suffered by certain first responders is the 30th day after the date on which the first responder is first diagnosed with the disorder.

H.B. 2655 (Crockett) – Reporting Peace Officer Misconduct: would provide that: (1) the Department of Public Safety (DPS) shall: (a) adopt a form for the reporting of allegations of misconduct concerning a peace officer employed by a law enforcement agency that includes the nature of the allegation, the results of the agency's investigation of the allegation, and any disciplinary action taken by the agency as a result of the allegation; (b) establish a database for information concerning reports received under (1)(a), above; and (c) make the database accessible to law enforcement agencies; and (2) each law enforcement agency shall promptly report to DPS, for inclusion in the database established in (1), above, each allegation of misconduct concerning a peace officer employed by the agency.

H.B. 2826 (Bonnen) – Law Enforcement Employment Records: would provide that: (1) in a civil service city: (a) a police officer is entitled to view the contents of the officer's personnel file maintained by the department (commonly known as the "g" file), and is entitled, on request, to a copy of any document in the officer's file; (b) a police department shall include in an officer's "g" file any statement that the officer requests to be included in the file; (2) before a law enforcement agency may hire a person licensed by the Texas Commission on Law Enforcement (TCOLE), the agency head or the agency head's designee must submit to TCOLE, on a form prescribed by TCOLE, confirmation that the agency reviewed the person's employment records from each of the person's previous law enforcement employers; (3) TCOLE, by rule, shall prescribe the manner by which a law enforcement agency shall make a person's employment records available to a hiring law enforcement agency; and (4) a law enforcement agency's failure to review a person's employment records as required under (2), above, or

to make a person's employment records available as required under (3), above, constitutes grounds for imposing an administrative penalty in an amount set by TCOLE not to exceed $1,000 per day per violation.

H.B. 2869 (Longoria) – Collective Bargaining: would provide, among other things, that: (1) a public employer and an association that is a bargaining agent for police officers or fire fighters, as applicable, shall submit to binding interest arbitration if the parties: (a) reach an impasse in collective bargaining; or (b) are unable to settle after the 61st day after the date the appropriate lawmaking body fails to approve a contract reached through collective bargaining.

H.B. 2844 (Goodwin) – TCOLE License: would, among other things:
1. provide that, if a person licensed by the Texas Commission on Law Enforcement (TCOLE) retires or resigns, the police chief or the police chief's designee must include in the explanation of the circumstances under which a person resigned or retired that is provided to TCOLE, information regarding any pending investigation known to internal affairs, supervisors, or management that was not completed due to the officer's resignation or retirement;
2. amend the definition of the term "dishonorably discharged" to include a license holder who was terminated by a law enforcement agency or retired or resigned in lieu of termination by the agency in relation to the following conduct: (a) lack of competence in performing the license holder's duties as an officer; (b) illegal drug use or an addiction that substantially impairs the license holder's ability to perform the license holder's duties as an officer; (c) lack of truthfulness in court proceedings or other governmental operations, including: (i) making a false statement in an offense report or other report as part of an investigation; (ii) making a false statement to obtain employment as an officer; (iii) making a false entry in court records or tampering with evidence, regardless of whether the license holder is prosecuted or convicted for the false entry or tampering; or (iv) engaging in conduct designed to impair the results or procedure of an examination or testing process associated with obtaining employment as an officer or a promotion to a higher rank; (d) failure to follow the lawful directives of a supervising officer or to follow the policies of the employing law enforcement agency; (e) discriminatory conduct, including engaging in a course of conduct or a single egregious act, based on the race, color, religion, sex, pregnancy, national origin, age, disability, or sexual orientation of another that would cause a reasonable person to believe that the license holder is unable to perform the license holder's duties as an officer in a fair manner; or (f) conduct indicating a pattern of: (i) excessive use of force; (ii) abuse of official capacity; (iii) inappropriate relationships with persons in the custody of the license holder; (iv) sexual harassment or sexual misconduct while performing the license holder's duties as an officer; or (v) misuse of information obtained as a result of the license holder's employment as an officer and related to the enforcement of criminal offenses;
3. eliminate the provision that provides that a peace officer or a reserve law enforcement officer must have previously been dishonorably discharged from another law enforcement agency before the Texas Commission on Law Enforcement (TCOLE) may suspend the license of the officer upon notification that the officer has been dishonorably discharged; and
4. provide that TCOLE by rule shall establish grounds under which TCOLE shall suspend or revoke an officer license on a determination by the commission that the license holder's continued performance of duties as an officer constitutes a threat to the public welfare, and such grounds must include the conduct described in (2), above.

H.B. 2911 (White) – Next Generation 9-1-1 Service: would provide that: (1) before September 1, 2025, all parts of the state must be covered by Next Generation 9-1-1 service; (2) the Commission on State Emergency Communications shall: (a) provide for the implementation and provision of next generation 9-1-1 service; and (b) shall impose a monthly 9-1-1 emergency service fee

in the amount of either $0.75, $1.00, or $1.25 on each wireless telecommunications connection that has a place of primary use within the geographic area in which a regional planning commission provides 9-1-1 service, including in an area served by an emergency communication district participating in the state system; (3) an emergency communication district not participating in the state system shall impose a monthly 9-1-1 emergency service fee in an amount equal to either $0.75, $1.00 or $1.25 on each wireless telecommunications connection that has a place of primary use within the district's jurisdiction; (4) a political subdivision may not impose a fee other than a fee described by (2) or (3) on a wireless service provider or subscriber for 9-1-1 service; (5) for a wireless telecommunications connection subject to a 9-1-1 emergency service fee under (3), above, a wireless service provider shall collect the fee for each wireless telecommunications connection from its subscribers and pay the money collected to the comptroller not later than the 30th day after the last day of the month during which the fees were collected, but the wireless service provider may retain an administrative fee of two percent of the amount of fees collected; (6) not later than the 15th day after the end of the month in which the money is collected, the Commission shall distribute to each emergency communication district that does not participate in the state system the total amount of money remitted to the comptroller under (5), above, for wireless telecommunications connections within the geographic jurisdiction of that emergency communication district; (7) the following actions are required prior to the Commission or an emergency communication district imposing the 9-1-1 emergency service fee on each wireless telecommunications connection in their respective geographic jurisdiction: (a) the commission or the emergency communication district must consider and adopt at an open meeting a plan for implementation and provision of Next Generation 9-1-1 service and the imposition of the 9-1-1 emergency service fee on each wireless telecommunications connection; and (b) any individual plan for implementation and provision of Next Generation 9-1-1 service adopted by the Commission or an emergency communication district shall be reviewed periodically to confirm that the plan continues to meet increased consumer expectation for 9-1-1 service from modern communications technologies; (8) not later than the 15th day after the last day of the month in which the prepaid wireless 9-1-1 emergency services fee is collected, the Commission shall distribute to each emergency communication district that does not participate in the applicable regional plan a portion of the total money collected in the same proportion that the population of the area served by the district bears to the population of the state; (9) the comptroller shall provide to each of the emergency communication districts a monthly report that outlines the money collected and remitted to the comptroller by the wireless service provider from each wireless telecommunications connection within the geographic jurisdiction of these emergency communication districts; and (10) repeal the provision: (a) that provides that on receipt of an invoice from a wireless service provider for reasonable expenses for network facilities, including equipment, installation, maintenance, and associated implementation costs, the Commission or an emergency services district of a home-rule city or an emergency communication district created under state law shall reimburse the wireless service provider in accordance with state law for all expenses related to 9-1-1 service; and (b) funds collected under the equalization surcharge are not precluded from being used to cover costs under (10)(a), above, as necessary and appropriate, including for rural areas that may need additional funds for wireless 9-1-1.

S.B. 709 (Hall) – Texas Commission on Fire Protection Sunset: would: (1) provide that the Texas Commission on Fire Protection (Commission) is continued until 2033; (2) provide that advisory members appointed by the Commission shall serve six-year staggered terms but may not be appointed to consecutive terms; (3) eliminate the provision that provides that, in adopting or amending a rule under the Commission's authority or any other law, the Commission shall seek the input of the fire fighter advisory committee, and that the Commission shall permit the advisory committee to review and comment on any proposed rule, including a proposed amendment to a rule, before the rule is adopted; (4) provide that a certificate issued or renewed by the Commission is valid for one or two years as

determined by Commission rule; and (5) provide that the Commission may: (a) waive any prerequisite to obtaining a certificate for an applicant who holds a license or certificate issued by another jurisdiction: (i) that has licensing or certification
requirements substantially equivalent to those of Texas; or (ii) with which Texas has a reciprocity agreement; and (b) make an agreement with another state to allow for certification by reciprocity.

S.B. 972 (West) – Critical Incident Video Recordings: would provide, among other things, that:
1. the office of the attorney general shall establish and maintain on its internet website a publicly accessible database of required use of force reports submitted to the office;
2. a law enforcement agency shall make public any video recording in the agency's possession involving: (a) an officer-involved shooting, including an unintentional discharge of a firearm while in the course of duty or in response to a call, regardless of whether: (i) a person is hit by gunfire; or (ii) an allegation of misconduct is made; (b) use of force resulting in death or serious bodily injury; (c) the death of an arrestee or detainee while the person is in the custodial care of a law enforcement agency; and (d) any other police encounter in which a law enforcement agency determines release of a video recording furthers a law enforcement purpose (collectively, a "critical incident");
3. a law enforcement agency shall provide a video recording of a critical incident described in (2), above, to a person who requests such recording, not later than the 60th day after the date the critical incident occurs, except that if the law enforcement agency determines as described in (4), below, that the video recording cannot be released, the agency shall, not later than the 45th day after the date the critical incident occurs, begin notifying persons who request a copy of the video recording of the reasons for the agency's decision and providing an explanation as to when the agency will make copies of the video recording available to requestors;
4. a law enforcement agency may: (a) withhold a video recording of a critical incident if the agency is prohibited from releasing the recording by law or a court order; (b) redact or edit the video recording to protect juveniles and victims of certain crimes or to protect the privacy interests of other individuals who appear in the recording; (c) not redact or edit a video recording in a manner that compromises the depiction of what occurred during the critical incident, including the officers; (d) delay the release of a video recording of a critical incident to protect: (i) the safety of the individuals involved in the critical incident, including officers, witnesses, bystanders, or other third parties; (ii) the integrity of an active criminal or administrative investigation or a criminal prosecution; (iii) confidential sources or investigative techniques; or (iv) the constitutional rights of an accused involved in the incident;
5. if a law enforcement agency determines that the provisions of (4)(d), above, apply to a video recording of a critical incident, the agency shall: (a) not later than the 45th day after the date the critical incident occurs, begin notifying persons who request a copy of the recording of the specific, factual reasons for the delay; and (b) update persons who request a copy of the recording every 15 days regarding the continuing justification for the delay until the copies are released;
6. not later than 48 hours before the time a law enforcement agency releases a video recording of a critical incident, the agency shall make a reasonable attempt to notify and consult with: (a) the officers depicted in the recording or significantly involved in the use of force; (b) the individual upon whom force was used or the individual's: (i) next of kin if the individual is deceased; (ii) parent or legal guardian if the individual is a juvenile; or (iii) legal counsel if the individual is represented by legal counsel; (c) the district attorney's office, county attorney's office, or city attorney's office that has jurisdiction over the critical incident depicted in the video; and (d) any other individual or entity connected to the critical incident the law enforcement agency deems appropriate; and
7. the law enforcement exception under the Public Information Act does not apply to a video recording of a critical incident in a law enforcement agency's possession.

S.B. 973 (West) – Body Worn Camera Recordings: would:

1. provide that a body worn camera recording that documents an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of a peace officer may be released to the public regardless of whether all criminal matters have been finally adjudicated and all related administrative investigations have concluded;
2. provide that any portion of a recording described in (1), above, that is made in a private space is confidential and excepted from the requirements of the Public Information Act (PIA), and may not be released without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative;
3. repeal the provisions that provide that: (a) a law enforcement agency may permit a person who is depicted in a recording described in (1), above, or, if the person is deceased, the person's authorized representative, to view the recording, provided that the law enforcement agency determines that the viewing furthers a law enforcement purpose and provided that any authorized representative who is permitted to view the recording was not a witness to the incident; (b) a person viewing a recording may not duplicate the recording or capture video or audio from the recording; and (c) a permitted viewing of a recording under (a), above, is not considered to be a release of public information for purposes of the PIA;
4. repeal the provision that provides that a law enforcement agency may release to the public a recording described in (1), above, if the law enforcement agency determines that the release furthers a law enforcement purpose;
5. repeal the provision that provides that a recording described in (1), above, may be withheld under the law enforcement exception of the PIA if related to a closed criminal investigation that did not result in a conviction or a grant of deferred adjudication community supervision;
6. repeal the provision that provides information recorded by a body worn camera as described in (1), above, and held by a law enforcement agency is not public information under the PIA;
7. repeal the provision that provides that information that is or could be used as evidence in a criminal prosecution is public information under the PIA; and
8. repeal the provision that provides that a recording described in (1), above, is confidential and excepted from the PIA if the recording: (a) was not required to be made under a law or under a policy adopted by the appropriate law enforcement agency; and (b) does not relate to a law enforcement purpose.

S.B. 974 (West) – Access to Law Enforcement Records: would provide that:
1. the following information is public information: (a) information that is basic information about a criminal investigation; and (b) basic information contained in: (i) a search warrant; (ii) testimony, an affidavit, or other information used to support a finding of probable cause to execute a search warrant; (iii) an arrest warrant, an arrest report, an incident report, or an accident report; (iv) a mug shot; (v) a report relating to an officer-involved shooting or an incident involving the discharge of a firearm by a peace officer, including the unintentional discharge of a firearm in the course of duty or in response to a call, regardless of whether a person is hit by gunfire or an allegation of misconduct is made; (vi) a report relating to a peace officer's use of force resulting in death or serious bodily injury; or (vii) a report related to the death or serious bodily injury of an arrestee or detainee while the person is in the custodial care of a law enforcement agency;
2. the law enforcement exception that allows for withholding information related to detection, investigation or prosecution of an investigation that did not result in conviction or deferred adjudication or internal records or notations related to an investigation that did not result in a conviction or deferred adjudication does not apply to information, records or notations if: (a) a person who is a subject of the information, record, or notation, other than a peace officer, is deceased or incapacitated; or (b) each person who is a subject of the information, record, or notation consents to the release of the information, record, or notation;

3. a governmental body that releases information, records, or notations to a family member of a deceased or incapacitated person who is a subject of the information, record, or notation is not considered to have voluntarily made that information available to the public and does not waive the ability to assert in the future that the information is excepted from required disclosure;
4. a fire or police department in a civil service city may maintain a department personnel file (commonly referred to as the "g" file) on a police officer or fire fighter to store sensitive personal information, including the individual 's home address, home telephone number, personal cellular telephone number, emergency contact information, social security number, personal financial information, information that reveals whether the person has family members, and any other personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
5. a letter, memorandum, or document regarding a peace officer's alleged misconduct maintained in the "g" file is public information if: (a) a person who is a subject of the letter, memorandum, or document, other than the peace officer, is deceased or incapacitated; or (b) each person who is a subject of the letter, memorandum, or document consents to the release of the letter, memorandum, or document; and
6. a fire or police department in a civil service city shall disclose law enforcement disciplinary record information reasonably necessary to identify an allegation against a fire fighter or police officer that resulted in a sustained finding of misconduct, including: (a) any record created in furtherance of a law enforcement disciplinary proceeding; (b) each complaint, allegation, and charge against the employee; (c) the name of the employee complained of or charged; (d) the transcript of any disciplinary trial or hearing, including any exhibit introduced at the trial or hearing; (e) the disposition of any disciplinary proceeding; and (f) the final written opinion or memorandum supporting the disposition and discipline imposed, including the agency's complete factual findings and analysis of the conduct and appropriate discipline of the covered employee.

S.B. 975 (West) - Access to Law Enforcement Records: would provide, among other things, that:
1. the office of the attorney general shall establish and maintain, on its internet website, a publicly accessible database of officer-involved injury or death reports that are required to be submitted to the office;
2. the following information is public information under the Public Information Act (PIA): (a) basic information about a criminal investigation; and (b) basic information contained in: (i) a search warrant; (ii) testimony, an affidavit, or other information used to support a finding of probable cause to execute a search warrant; (iii) an arrest warrant, an arrest report, an incident report, or an accident report; (iv) a mug shot; (v) a report relating to an officer-involved shooting; (vi) a report relating to an incident involving the discharge of a firearm by a peace officer, including the unintentional discharge of a firearm in the course of duty or in response to a call, regardless of whether a person is hit by gunfire or an allegation of misconduct is made; (vii) a report relating to a peace officer's use of force resulting in death or serious bodily injury; or (viii) a report related to the death or serious bodily injury of an arrestee or detainee while the person is in the custodial care of a law enforcement agency;
3. law enforcement information that deals with the detection, investigation or prosecution of a crime that does not result in conviction or deferred adjudication, or an internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution, that does not result in conviction or deferred adjudication is public information if: (a) a person who is a subject of the information, record, or notation, other than a peace officer, is deceased or incapacitated; or (b) each person who is a subject of the information, record, or notation consents to the release of the information, record, or notation;
4. a letter, memorandum, or document regarding a peace officer's alleged misconduct in the peace officer's departmental civil service personnel file (commonly referred to as the "g" file) is public information if: (a) a person who is a subject of the letter, memorandum, or document, other than the

peace officer, is deceased or incapacitated; or (b) each person who is a subject of the letter, memorandum, or document consents to the release of the letter, memorandum, or document;
5. a law enforcement agency shall, with exceptions, make public any video recording in the agency's possession involving a critical incident, including an officer-involved shooting, use of force that results in death or serious bodily injury, or a custodial death, not later than the 60th day after the date of the critical incident;
6. a fire or police department in a civil service city may maintain a "g" file to store sensitive personal information, including the individual's home address, home telephone number, personal cellular telephone number, emergency contact information, social security number, personal financial information, information that reveals whether the person has family members, and any other personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
7. a fire or police department in a civil service city shall disclose law enforcement disciplinary record information reasonably necessary to identify an allegation against a fire fighter or police officer that resulted in a sustained finding of misconduct, including: (a) any record created in furtherance of a law enforcement disciplinary proceeding; (b) each complaint, allegation, and charge against the employee; (c) the name of the employee complained of or charged; (d) the transcript of any disciplinary trial or hearing, including any exhibit introduced at the trial or hearing; (e) the disposition of any disciplinary proceeding; and (f) the final written opinion or memorandum supporting the disposition and discipline imposed, including the agency's: (i) complete factual findings; and (ii) analysis of the conduct and appropriate discipline of the covered employee;
8. a written request for information recorded by a body worn camera shall be treated as a request for public information under the PIA; and
9. provisions of current law related to withholding from release a portion of a body worn camera recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative are repealed.
(Companion bill is H.B. 2383 by Moody.)

S.B 988 (Hinojosa) – TCOLE Standards of Conduct: would provide that:
1. the chief administrator of a law enforcement agency shall report to the Texas Commission on Law Enforcement (TCOLE) each allegation that a person licensed by TCOLE and employed by the agency engaged in any improper or unlawful acts, including: (a) being convicted of, placed on deferred adjudication for, or entering a plea of guilty or nolo contendere to any offense other than a misdemeanor punishable by fine only; (b) engaging in conduct that would constitute any offense other than a misdemeanor punishable by fine only; (c) falsifying a police report or evidence in a criminal investigation; (d) destroying evidence in a criminal investigation; (e) using excessive force on multiple occasions; (f) accepting a bribe; (g) engaging in fraud; (h) unlawfully using a controlled substance; (i) engaging in an act for which the officer is liable under Section 1983; (j) committing perjury; (k) making, submitting, or filing, or causing to be submitted or filed, a false report to the TCOLE; (k) misusing an official position or misappropriating property; (l) engaging in an unprofessional relationship with an individual arrested or detained, or in the custody of a correctional facility; (m) committing sexual harassment involving physical contact; or (n) misusing criminal history record information;
2. the report required under (1), above, must be in writing in a form prescribed by TCOLE and submitted not later than the 15th day after the date the law enforcement agency is made aware of the allegation;

3. the chief administrator of the law enforcement agency shall update any report submitted under (1), above, after the agency ’s investigation into the allegation is concluded, and the updated report must include any disciplinary action taken against the license holder, including whether the license holder was terminated or if the license holder resigned, retired, or separated in lieu of termination;

4. on a finding by TCOLE that the chief administrator of a law enforcement agency intentionally failed to submit a report required under (1), above, TCOLE shall begin disciplinary proceedings against the chief administrator;

5. TCOLE shall establish an electronic database for information concerning license holder misconduct to provide for the collection and analysis of information by the TCOLE, and shall: (a) allow law enforcement agencies to electronically access the database for purposes of obtaining information related to the following concerning a license holder: (i) hiring; (ii) disciplinary actions; (iii) resignations or terminations; and (iv) certification and training; (b) adopt policies and procedures under which specified personnel of a law enforcement agency may access the database for a purpose described by (5)(a), including establishing qualifications for access; and (c) distribute the policies and procedures adopted (5)(b) to law enforcement agencies;

6. TCOLE shall include in the database described in (5), above, the reports submitted to TCOLE under (1), above;

7. TCOLE shall prescribe and make available to law enforcement agencies a form to be used for submitting a report of an allegation of misconduct to the database described in (5), above, and the form must require the law enforcement agency to report: (a) the license holder’s: (i) date of hire; (ii) position; and (iii) identifying characteristics; and (b) detailed information concerning the nature of the misconduct and the disposition of the allegation;

8. a law enforcement agency, agency head, or other law enforcement official is not liable for civil damages for submitting a report to the database if the report is made in good faith;

9. any allegation of misconduct reported to the database is not considered final until all applicable appeals have been exhausted or waived by the license holder named in the allegation;

10. information maintained in the database is confidential and not subject to disclosure under the Texas Public Information Act;

11. TCOLE, by rule, shall prescribe standards of conduct for peace officers, reserve law enforcement officers, county jailers, and school marshals, and such standards must establish best practices with respect to the following as appropriate for the type of license: (a) professionalism; (b) sexual harassment; (c) sexual assault; (d) domestic violence; (e) any criminal offense against a minor; (f) the use of alcohol or controlled substances; (g) the use of force; (h) the use of tactical teams; (i) the use of invasive surveillance techniques; (j) the use of brief, noninvasive stops of persons suspected of committing an offense; (k) arrests; (l) the issuance of citations in lieu of arrest for misdemeanor offenses punishable by fine only; (m) the release of recordings taken by body worn cameras; and (n) conduct of interrogations of persons suspected of committing an offense;

12. before a law enforcement agency may hire a person licensed by TCOLE, the agency head or the agency head’s designee must, among other things, review any information regarding the person that is maintained in the database under (5), above and submit to TCOLE, on the form prescribed by TCOLE confirmation that the agency reviewed the information in the database; and

13. each law enforcement agency shall adopt the standards of conduct for peace officers or county jailers, as applicable, developed by TCOLE under (11), above, and a law enforcement agency may tailor the contents of the applicable standards as necessary based on the agency’s size, jurisdiction, and resources.

EMERGENCY MANAGEMENT

S.B. 1025 (Birdwell) – Emergency Declarations: would provide that: (1) during a declared state of disaster that exists in at least two-fifths of the counties, affects at least half of the population according to the most recent federal decennial census, or affects at least two-thirds of the counties in three or more trauma service areas as designated by the appropriate state agency, only the legislature has the authority to: (a) suspend a provision in the Code of Criminal Procedure, Election Code, or Penal Code to appropriately respond to the disaster; (b) restrict or impair the operation or occupancy of businesses or places of worship in this state by category or region to appropriately respond to the disaster; or (c) renew or extend the governor's state of disaster declaration; (2) the governor by proclamation shall convene the legislature in special session to respond to a declared state of disaster if the governor finds that the authority of the legislature described in (1), above, should be exercised and the legislature is not convened in regular or special session; (3) if the governor finds that a state of disaster described by (1), above, requires renewal and the legislature is not convened in regular or special session, the governor by proclamation shall convene the legislature in special session to renew, extend, or otherwise respond to the state of disaster; (4) the governor may not declare a new state of disaster based on the same or a substantially similar finding as a prior state of disaster that is subject to (1), above, that was terminated or not renewed by the legislature. (Corresponding constitutional amendment resolution is S.J.R. 45.)

H.B. 2548 (Morrison) – Building Inspections: would: (1) provide that a building inspection in an area of a city subject to a state or a local disaster declaration may be performed by: (a) a person certified to inspect buildings by the International Code Council; (b) a person employed as building inspector by the city in which the building is located; or (c) a person employed as a building inspector by any city, if the city in which the building is located has approved the person to perform inspections during the disaster; and (2) prohibit a city from collecting an inspection fee related to an inspection performed under (1). (Companion bill is S.B. 877 by Hancock.)

H.B. 2696 (Morrison) – Disaster Recovery Loan: would provide that: (1) a political subdivision, including a city, may apply to the Texas Division of Emergency Management (TDEM) for a loan if TDEM determines that the political subdivision's estimated cost to appropriately respond to appropriately respond to the disaster is greater than 50 percent of the political subdivision 's total revenue for the current year as shown in the most recent operating budget of the political subdivision submitted to TDEM; and (2) TDEM may consult with the Federal Emergency Management Agency in making the determination required under (1), above.

H.B. 2812 (Murphy) – Disaster Response Loan Fund: would establish the disaster response loan fund to be used to provide short-term loans to political subdivisions affected by a disaster.

H.B. 3241 (Schofield) – Compensation Damages: would provide, among other things, that: (1) a business owner is entitled to compensation from a governmental entity, including a city, for losses caused to the owner's business by an order, ordinance, or other regulation by a governmental entity, including an executive or local order issued during a declared state of disaster that: (a) closes a business permanently or temporarily; or (b) effectively closes a business by: (i) limiting the business's operations to the extent that the business owner cannot effectively maintain the business; or (iii) ordering customers not to patronize the business; (2) a business owner is not entitled to compensation under (1), above, if the governmental entity can demonstrate that the primary reason for the governmental action was: (a) a judicial finding that the business: (i) was a nuisance under the law; or (ii) violated other law; or (b) a finding that the business or owner failed to: (i) acquire or maintain a license required by the governmental entity for the business; (ii) file or maintain records required by the secretary of state; or

(iii) pay taxes; and (3) sovereign and governmental immunity to suit and from liability is waived and abolished.

S.B. 989 (Buckingham) – Disaster Orders: would limit an executive order, proclamation, or regulation issued by the governor under the Texas Disaster Act of 1975 that restricts: (1) the operation of or the hours of operation for a business: (a) that holds a permit or license issued by the Texas Alcoholic Beverage Commission; (b) in the manufacturing tier of the alcoholic beverage industry; and (c) that authorizes the business to sell alcoholic beverages for on-premises consumption; and (2) a Section 501(a) tax exempt nonprofit organization that benefits veterans of the United States armed forces.

S.B. 995 (Powell) – Disaster Reinvestment and Infrastructure Planning Fund: would establish the disaster reinvestment and infrastructure planning board and the disaster reinvestment and infrastructure planning revolving fund, which is designed to, among other things, provide public infrastructure loans and grants to political subdivisions impacted by a disaster. (Corresponding constitutional amendment resolution is S.J.R. 44.)

S.J.R. 45 (Birdwell) – Extension of Disaster Declaration: would amend the Texas Constitution to provide, among other things, that: (1) a state of disaster or emergency declared by the governor may not continue for more than 30 days unless it is renewed or extended by the legislature if the declared state of disaster or emergency: (a) exists in at least two-fifths of the counties; (b) affects at least half of the population, according to the most recent federal decennial census; or (c) affects at least two-thirds of the counties in three or more trauma service areas, as designated by the appropriate state agency; (2) the governor shall convene the legislature in special session when the governor proposes to renew an order or proclamation declaring a state of disaster or emergency described in (1), above or issue a new order regarding the same state of disaster or emergency; and (3) in a special session convened under (2), above, the legislature may: (a) renew or extend the state of disaster or emergency; (b) respond to the state of disaster or emergency, including by: (i) passing laws and resolutions the legislature determines are related to the state of disaster or emergency; and (ii) exercising the power to suspend laws as provided to the legislature by the Constitution and (iii) consider any other subject stated in the governor's proclamation convening the legislature.

COMMUNITY AND ECONOMIC DEVELOPMENT

H.B. 2571 (Slaton) – Monuments and Memorials: would, among other things: (1) provide that a monument or memorial located on city property: (a) for at least 40 years may not be removed, relocated, or altered; (b) for at least 20 years but less than 40 years may be removed, relocated, or altered only by approval of a majority of the voters of the city at an election held for that purpose; or (c) for less than 20 years may be removed, relocated, or altered only by the governing body; and (2) define "monument or memorial" as used in (1) to mean a permanent monument, memorial, or other designation, including a statute, portrait, plaque, seal, symbol, cenotaph, building name, bridge name, park name, area name, or street name, that honors an event or person of historic significance.

H.B. 2590 (Leach) – Building Permits: would: (1) repeal the statute giving a city the ability to reach a written agreement with a building permit applicant providing for an alternative deadline for granting or denying the permit; and (2) prohibit a city from: (a) denying a building permit solely because the city is unable to comply with the 45-day time period for granting or denying a building permit; and (b) requiring a building permit applicant to waive the 45-day time period for granting or denying a building permit.

H.B. 2713 (Hefner) – Monuments and Memorials: would, among other things: (1) provide that a monument or memorial located on city property: (a) for at least 40 years may not be removed, relocated, or altered; (b) for at least 20 years but less than 40 years may be removed, relocated, or altered only by approval of a majority of the voters of the city at an election held for that purpose; or (c) for less than 20 years may be removed, relocated, or altered only by the governing body; (2) define "monument or memorial" as used in (1) to mean a permanent monument, memorial, or other designation, including a statute, portrait, plaque, seal, symbol, cenotaph, building name, bridge name, park name, area name, or street name, that honors an event or person of historic significance; (3) authorize a resident of a city to file a complaint with the attorney general if the resident asserts facts supporting an allegation that the city has violated (1), and authorize the attorney general to file a petition for a writ of mandamus or apply for other appropriate equitable relief to compel the city to comply with (1); (4) provide that a city that is found by a court as having intentionally violated (1) is subject to a civil penalty in an amount of: (a) not less than $1,000 and not more than $1,500 for the first violation; and (b) not less than $25,000 and not more than $25,500 for each subsequent violation; and (5) waive and abolish governmental immunity to suit for a city to the extent of liability under in a suit filed under (3), above.

H.B. 2777 (Pacheco) – Reroofing Contractors: would require the Texas Department of Licensing and Regulation to establish a reroofing contractor registration system and, among other things, provide that a city building official may not grant or approve a building or construction
permit for a reroofing project unless the applicant for the permit is a registered reroofing contractor or exempt from registration.

H.B. 2989 (Cyrier) – Zoning: would provide that: (1) the governing body of a municipality wishing to exercise the authority relating to zoning regulations and zoning district boundaries shall establish procedures for adopting, revising, and enforcing the regulations and boundaries; (2) the adoption of initial zoning regulations and zoning district boundaries, a comprehensive revision of the regulations or boundaries, or an amendment of a regulation that applies uniformly across boundaries or areas of the municipality is not effective until after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard; (3) a proposed change to a regulation or boundary that only affects an individual lot or a limited area of contiguous lots or land may be protested as provided by certain law, and, if protested, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body; and (4) before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification of an individual property or a limited area of contiguous properties shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property or area on which the change in classification is proposed. (Companion bill is S.B. 1120 by Johnson.)

H.B. 2997 (Gates) – Development Plats: would provide that, when a city decides to regulate the development of tracts of land via development plats, the city may define and classify the developments and need not require platting for every development of a tract of land otherwise within the scope of the state law regarding development plats. (Companion bill is S.B. 1172 by Kolkhorst.)

H.B. 3229 (Moody) – Transfer of Real Property: would: (1) for an entity and a city that have entered into an economic development agreement under Chapter 380 of the Local Government Code, authorize a city to transfer to an entity real property or an interest in real property; (2) provide that consideration for a transfer authorized in (1), above, is in the form of an agreement between the parties that requires the entity to use the property in a manner that primarily promotes a public purpose of the city relating to economic development; (3) require an economic development agreement involving the transfer of real

property to include provisions under which the city is granted sufficient control to ensure that the public purpose is accomplished and the city receives the return benefit; (4) prohibit a city from transferring for consideration real property or an interest in real property the city owns, holds, or claims as a public square or park; (5) require a city, before making a transfer under an economic development agreement, to provide notice to the general public in a newspaper of general circulation in the county in which the property is located, or if there is no such newspaper, by any means for the city to provide specific public notice authorized by statute or by ordinance of the city; and (6) provide that a city may transfer real property acquired by the city from the previous owner by the exercise of eminent domain authority or the threat of the exercise of eminent domain authority in a Chapter 380 economic development agreement only if: (a) the city offers the previous owner an opportunity to repurchase the real property at the current market value and the previous owner declines; or (b) the city cannot locate the previous owner with reasonable effort. (Companion bill is S.B. 848 by Blanco.)

OTHER FINANCE AND ADMINISTRATION

H.B. 2578 (Leach) – Newspaper Notice: would: (1) require the comptroller to develop and maintain an Internet website of public information; (2) define the term "public information" to mean a public or legal notice that a governmental entity is required to publish or other information submitted for publication by a governmental entity; (3) require that the public information Internet website be designed to, among other things, allow a governmental entity to easily post public information, and allow a person to subscribe to e-mail notices of public information associated with a specific governmental entity; (4) require a governmental entity to submit for inclusion on the public information Internet website any public or legal notice a statute or rule requires the entity to publish in a newspaper (except those an entity must publish on the Office of Court Administration website); (5) provide a governmental entity's submission of public information to the public information Internet website satisfies a requirement imposed by a statute or rule to publish notice in a newspaper; and (6) provide that a governmental entity that in good faith attempts to submit public information to the public information Internet website is not subject to liability or other penalty for failing to post the public information to the website or to deliver an e-mail notice of the posted public information.

H.B. 2624 (Ordaz Perez) – Credit Access Businesses: would provide: (1) that the annual percentage rate of an extension of consumer credit in the form of a deferred presentment transaction (including a payday or motor vehicle title loan) that is entered into by a consumer residing in a disaster area and that a credit access business obtains for the consumer or assists the consumer in obtaining may not exceed 30 percent during the designated disaster period and the two-year period immediately following that period; and (2) that, for purposes of (1), above, the annual percentage rate of an extension of consumer credit in the form of a deferred presentment transaction is calculated including the total charges charged to the consumer in connection with the extension of consumer credit, including interest, lender charges, and any fees or any other valuable consideration received by the credit access business.

H.B. 2809 (Murphy) – Contingent Fee Contracts: would except a contingent fee contract entered into by a city or county for the collection of an unpaid local alcohol permit and license fees that are more than 60 days past due from the state approval procedures generally applicable when a political subdivision enters into a contingent fee contract for legal services.

H.B. 2829 (White) – Mixed Beverage Sales Tax: would, among other things: (1) lower the rate of the state sales tax from 6.25 percent to 3.125 percent on the sales price of a taxable item sold by a restaurant or certain alcohol permittee, with the rate gradually increasing over time back to 6.25 in September 2023; and (2) lower the rate of the mixed beverage sales tax from 8.25 percent to 2.25 percent of the

sales price of an item sold by a alcohol permittee, with the rate gradually increasing over time back to 8.25 in September 2023.

H.B. 2894 (Holland) – Comptroller Contracts for Travel Services: would, among other things, prohibit the comptroller from charging a city a fee if a city officer or employee who is engaged in official city business participates in the comptroller's contract for travel services for the purpose of obtaining reduced airline fares and reduced travel agent fees. (Companion bill is S.B. 1122 by Zaffirini.)

H.B. 2913 (Capriglione) – Website Postings: would: (1) with some exceptions, require a governmental body to post on its website each contract for the purchase of goods or services from a private vendor along with certain other information; and (2) require that a contract in (1): (a) be posted on the website within a specified period of time; and (b) have certain information redacted. (Companion bill is S.B. 929 by Zaffirini.)

H.B. 2928 (Jetton) – Newspaper Notice: would, among other things: (1) authorize a governmental entity, including a city, required by other law to provide notice by publication in a newspaper to, as an alternative, satisfy that requirement by posting the notice on the governmental entity's Internet website; (2) provide that internet notice posted as an alternative to required newspaper notice: (a) to the extent possible, must meet requirements provided by law for the publication of the newspaper notice that can be applied to an Internet website posting, including requirements related to the timing, duration, content, and appearance of the notice; and (b) is not required to meet requirements provided by law for the publication of the newspaper notice that by their nature cannot be applied to an Internet website posting, including requirements relating to circulation; (3) provide that a governmental entity that chooses to post internet notice as an alternative to newspaper notice is not required to also publish notice in a newspaper; and (4) provide that a notice posted on a governmental entity's Internet website as an alternative to required newspaper notice must be posted at least one day before the occurrence of the event to which the notice refers.

H.B. 3027 (Canales) – Navigation Districts: would, among other things, authorize a navigation district to act to prevent, detect, and fight a fire or explosion or hazardous material incident that occurs on, or adjacent to, a waterway, channel, or turning basin that is located in the district's territory, regardless of whether the waterway, channel, or turning basin is located in the corporate limits of a city.

H.B. 3046 (Middleton) – Cooperation with Federal Agency: would, among other things, prohibit a political subdivision from cooperating with a federal government agency in implementing an agency rule that a report published by the Texas attorney general indicates has been found by a court to violate the rights guaranteed to the citizens of the United States by the United States Constitution. (Companion Bill is S.B. 1248 by Creighton.)

H.B. 3069 (Holland) – Claims: would, with certain exceptions, require a governmental entity to bring suit for damages for certain claims against: (1) a registered or licensed architect, engineer, interior designer, or landscape architect in this state, who designs, plans, or inspects the construction of an improvement to real property or equipment attached to real property, not later than five years after the substantial completion of the improvement or the beginning of operation of the equipment in an action arising out of a defective or unsafe condition of the real property, the improvement, or the equipment; and (2) a person who constructs or repairs an improvement to real property not later than five years after the substantial completion of the improvement in an action arising out of a defective or unsafe condition of the real property or a deficiency in the construction or repair of the improvement.

H.B. 3091 (Vasut) – Hotel Occupancy Tax Uses: would: (1) authorize a city to use revenue from the city hotel occupancy tax to promote tourism and the convention and hotel industry by: (a) acquiring, constructing, repairing, remodeling, or expanding certain qualified infrastructure that is owned by the city and that is located not more than one mile from a hotel; and (b) making improvements to a public park that is owned by the city and that is located not more than one mile from a hotel; (2) provide that the amount of city hotel occupancy tax revenue a city may use in a fiscal year as provided by (1), above, may not exceed 20 percent of the amount of revenue the city collected from that tax during the preceding fiscal year; and (3) provide that a city that uses city hotel occupancy tax revenue in accordance with (1), above: (a) may reserve not more than 20 percent of the revenue from that tax collected in a fiscal year for use for the same purposes during the succeeding three fiscal years; and (b) may not reduce the percentage of revenue from the tax allocated for the purposes of advertising and promotional programs to attract tourists and convention delegates or registrants to the city or its vicinity to a percentage that is less than the average percentage of the revenue from that tax allocated by the city for the same purposes during the 36-month period preceding the date the city begins using revenue for the purposes described in (1), above.

H.B. 3223 (Zwiener) – Hotel Occupancy Tax Uses: would: (1) authorize cities with a populations under 200,000 to use a portion of the revenue derived from their city hotel occupancy taxes to promote tourism and the convention and hotel industry by enhancing and maintaining public parks owned by the city; (2) provide that the amount of city hotel occupancy tax revenue a city may use in a fiscal year to enhance and maintain all public parks may not exceed ten percent of the amount of revenue the city collected from that tax during the preceding fiscal year; (3) provide that the amount of city hotel occupancy tax revenue a city may use in a fiscal year to enhance and maintain an individual public park may not exceed the amount of area hotel revenue in the preceding fiscal year that was directly attributable to tourists who attended events held at that park or otherwise visited that park; (4) require a city to, before the city uses city hotel occupancy tax revenue to enhance or maintain a park, make a good faith estimate of the annual amount of area hotel revenue directly attributable to tourists who visited that park; and (5) provide that a city that uses city hotel occupancy tax revenue in accordance with (1), above: (a) may reserve not more than ten percent of the revenue from that tax collected in a fiscal year for use for the same purposes during the succeeding three fiscal years; and (b) may not reduce the percentage of revenue from the tax allocated for the purposes of advertising and promotional programs to attract tourists and convention delegates or registrants to the city or its vicinity to a percentage that is less than the average percentage of the revenue from that tax allocated by the city for the same purposes during the 36-month period preceding the date the city begins using revenue for the purposes described in (1), above.

S.B. 911 (Hancock) – Third-Party Food Delivery Service: would, among other things: (1) define "third-party food delivery service" as a website, mobile application, or other Internet-based service that acts as an intermediary between consumers and multiple restaurants not owned or operated by the service to arrange for the delivery of food or beverages from those restaurants; (2) preempt a city or county from adopting or enforcing an ordinance or regulation that: (a) applies requirements to a third-party food delivery service that are more restrictive than the requirements that apply to the service under state law; (b) affects the fees charged to a restaurant by a third-party food delivery service; or (c) affects the terms of an agreement between a third-party food delivery service and a restaurant; (3) provide that the Department of State Health Services or a local health authority may not require a third-party food delivery service employee or independent contractor to complete an education program on basic food safety accredited under the bill; and (4) provide that local health authority may not charge a fee to an employee or contractor who provides proof of completion of an education program on basic food safety accredited under the bill. (Companion bill is H.B. 2119 by Burrows.)

S.B. 1066 (Blanco) – Common Nuisance: would authorize a court to issue a temporary restraining order in a suit to abate certain common nuisances. (Companion bill is H.B. 167 by Ortega.)

ELECTIONS

H.B. 2640 (T. King) – Uniform Election Date: would authorize the governing body of a political subdivision, other than a county or municipal utility district, that holds its general election for officers on the May uniform election date to, not later than December 31, 2022, change the date on which it holds its general election for officers to the November uniform election date.

H.B. 2908 (Dutton) – Application for Office: would: (1) require that a candidate's application for a place on the ballot must be submitted with an affidavit stating that the candidate lives at the residence address listed on the application form; (2) create the criminal offense of a third-degree felony for providing false information on an affidavit submitted with the application; and (3) create a civil penalty in an amount not to exceed $10,000 for providing false information on the aforementioned affidavit.

H.B. 3019 (Moody) – Campaign Contributions: would provide that a campaign contribution made to a candidate for statewide office or the legislature or to a specific-purpose committee supporting or opposing the candidate may not be expended to support or oppose a candidate for an office of a municipality.

H.B. 3247 (Schofield) – Election Procedures During Disaster: would, among other things: (1) prohibit an election official of a political subdivision from seeking to alter, in response to a pandemic disaster, any voting standard practice, or procedure in a manner not otherwise expressly authorized by state law, unless the election official first obtains approval of the proposed alternation from the secretary of state by submitting a written request for approval to the secretary of state; (2) prohibit the secretary of state from approving a request under (1) unless a condition directly caused by the pandemic disaster has made the conduct of the election infeasible in the absence of the alteration; and (3) provide that, in the absence of the governor's disaster declaration, an election official of a political subdivision may not alter any voting standard, practice, or procedure in a manner not otherwise expressly authorized by law.

S.B. 1111 (Bettencourt) – Residency: would, among other things, modify the definition of "residence" for purposes of elections to provide that: (1) a person may not establish residence for the purpose of influencing the outcome of a certain election; (2) a person may not establish a residence at any place the person has not inhabited; and (3) a person may not designate a previous residence as a home and fixed place of habitation unless the person inhabits the place at the time of designation and intends to remain.

OPEN GOVERNMENT

H.B. 2560 (Martinez) – Open Meetings: would: (1) provide that, without regard to whether a member of the governmental body is participating in a meeting from a remote location by telephone conference call, a governmental body may allow a member of the public to speak at a meeting from a remote location by telephone conference call; (2) provide that, when a member of a governmental body loses audio or video during a videoconference meeting, the meeting may continue when a quorum of the body remain audible and visible to each other and, during the open portion of the meeting, to the public; (3) allow a meeting by videoconference so long as the presiding officer is present at a physical location open to the public where members of the public may observe and participate in the meeting; (4) set out the notice requirements for a videoconference meeting; and (5) provide that, without regard to whether a

member of the governmental body is participating in a meeting from a remote location by videoconference call, a governmental body may allow a person to speak at a meeting from a remote location by videoconference call. (Companion bill is S.B. 639 by Menéndez.)

H.B. 2683 (Canales) – Open Meetings: would: (1) for an open meeting that is broadcast live over the Internet and held wholly or partly by telephone conference and/or videoconference: (a) require the governmental body ensure the public is able to listen and, if applicable, speak; (b) require the open meeting be audible to the public by telephone and at location described in (2), below; (c) require that the public have access to both audiovisual and audio-only feeds of the open meeting; and (d) if applicable, require that members of the public be able to address the governmental body by telephone and videoconference; (2) require that the notice of a meeting described in (1) include, among other things: (a) a list of each physical location where a member of the public may observe and participate in the meeting; (b) a toll free number for use by the public; (c) access information for any audiovisual or audio-only feeds; and (d) instructions for the public to speak at the meeting; (3) require that a meeting described in (1) be recorded and that the recording be made available to the public not later than 24 hours after adjourning the meeting; (4) require that a meeting notice indicate whether a subject will be considered in an open meeting or a closed session; and (5) require a meeting be broadcast over the Internet if the physical location of the meeting is not accessible to members of the public or is not large enough to accommodate all persons seeking to attend the meeting in person, including if the location has reduced capacity as the result of a public emergency or disaster. (Companion bill is S.B. 924 by Zaffirini.)

H.B. 3139 (Longoria) – Open Meetings: would: (1) authorize a governmental body to hold an open or closed meeting by conference call; (2) define "conference call" to mean a meeting held by telephone conference call, videoconference call, or telephone conference and videoconference call; (3) require that each part of a meeting held by conference call required to be open to the public: (a) be audible to the public; (b) be visible to the public if it is a videoconference call; and (c) have two-way communication with each participant; (4) provide that a member or employee of a governmental body may participate in a meeting by conference call only if the audio signal of the participant is heard live at the meeting; (5) provide that a member of a governmental body who participates in a meeting by conference call shall: (a) be counted as present at the meeting for all purposes; and (b) be considered absent from any portion of the meeting during which audio communication with the member is lost or disconnected, but allow the governmental body to continue the meeting if a quorum of the body continues to participate in the meeting; (6) provide that a governmental body may allow a member of the public to testify at a meeting by conference call; (7) provide that a meeting held by conference call is subject to the notice requirements applicable to other meetings and also must include certain instructions to the public; (8) require that a meeting held by conference call be recorded, and that the recording be made available to the public; and (9) require the Department of Information Resources by rule to specify minimum standards for the recording of a meeting held by conference call.

S.B. 923 (Zaffirini) – Open Meetings and Public Information: would make various changes to open government laws, and:
For purposes of the Open Meetings Act, would:
1. for an open meeting that is broadcast live over the Internet and held wholly or partly by telephone conference and/or videoconference: (a) require the governmental body ensure the public is able to listen and, if applicable, speak; (b) require the open meeting be audible to the public by telephone and at location described in (2), below; (c) require that the public have access to both audiovisual and audio-only feeds of the open meeting; and (d) if applicable, require that members of the public be able to address the governmental body by telephone and videoconference;

2. require that the notice of a meeting described in (1) include, among other things: (a) a list of each physical location where a member of the public may observe and participate in the meeting; (b) a toll free number for use by the public; (c) access information for anyaudiovisual or audio-only feeds; and (d) instructions for the public to speak at the meeting;
3. require that a meeting described in (1) be recorded and that the recording be made available to the public not later than 24 hours after adjourning the meeting;
4. require that a meeting notice indicate whether a subject will be considered in an open meeting or a closed session; and
5. require a meeting be broadcast over the Internet if the physical location of the meeting is not accessible to members of the public or is not large enough to accommodate all persons seeking to attend the meeting in person, including if the location has reduced capacity as the result of a public emergency or disaster.

For purposes of the Public Information Act, and certain other law, would:
1. define the term "business day" as used in the Public Information Act to exclude a Saturday, Sunday, and certain national and state holidays (under current law, a closure for bad weather or skeleton crew day would also be excluded from the term "business day");
2. provide that a governmental body is not authorized to withhold a date of birth unless permitted by the Health Insurance Portability and Accountability Act, constitutional law, or statutory law;
3. provide that, if a governmental body determines it has no information responsive to a request for information, the officer for public information shall notify the requestor in writing not later than the 10th business day after the date the request is received;
4. provide that, if a governmental body determines requested information is subject to a previous determination that permits or requires the governmental body to withhold the requested information, the officer for public information shall, not later than the 10th business day after the date the request is received notify the requestor in writing that the information is being withheld and identify in the notice the specific previous determination the governmental body is relying on to withhold the information;
5. provide that, if a governmental body fails to comply with the requirements in (3) or (4), the requestor may send a written complaint to the attorney general, and if the attorney general determines the governmental body failed to comply with (3) or (4), the attorney general must require the governmental body to complete open records training, the governmental body may not assess costs to the requestor for producing information in response to the request, and the governmental body must release the requested information unless there is a compelling reason to withhold it;
6. impose various requirements when dealing with electronic public information; and
7. with some exceptions, require a governmental body to post on its website each contract for the purchase of goods or service from a private vendor along with certain other information.

PERSONNEL

H.B. 2823 (Bonnen) – E-Verify: would provide, among other things, that:
1. an employer, excluding a governmental entity, may not knowingly employ a person not lawfully present in the United States;
2. an employer who violates (1), above, is subject to the suspension of each license held by the employer;
3. a licensing authority, including a city, that receives, from the Texas Workforce Commission, a final order suspending a license shall immediately determine if the authority has issued a license to the person named on the order and, if a license has been issued: (a) record the suspension of the license in the licensing authority's records; (b) report the suspension as appropriate; and (c) demand surrender of the suspended license if required by law for other cases in which a license is suspended;

4. a licensing authority shall implement the terms of a final order suspending a license without additional review or hearing, provided that the authority may provide notice as appropriate to the license holder or to others concerned with the license;
5. a licensing authority may not modify, remand, reverse, vacate, or stay an order suspending a license and may not review, vacate, or reconsider the terms of a final order suspending a license;
6. person who is the subject of a final order suspending a license is not entitled to a refund for any fee or deposit paid to the licensing authority;
7. a person who continues to engage in the business, occupation, profession, or other licensed activity after the implementation of the order suspending a license by the licensing authority is liable for the same civil and criminal penalties provided for engaging in the licensed activity without a license or while a license is suspended that apply to any other license holder of that licensing authority;
8. a licensing authority is exempt from liability to a license holder for any authorized act performed by the authority;
9. the licensing authority may not issue or renew any other license for the person during the suspension period;
10. a licensing authority may charge a fee to a person who is the subject of an order suspending a license in an amount sufficient to recover the administrative costs incurred by the authority;
11. a political subdivision, including a city, shall register and participate in the E-verify program to verify information of all new employees; and
12. an employee of a political subdivision who is responsible for verifying information of new employees of the political subdivision as required by (11), above, is subject to immediate termination of employment if the employee fails to comply with that provision.

PURCHASING

H.B. 2558 (Capriglione) – Firearms: would: (1) prohibit a governmental entity from entering into a contract with a company for the purchase of goods or services unless the contract contains a written verification from the company that it: (a) doesn't have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (b) will not discriminate during the term of the contract against a firearm entity or firearm trade association; and (2) provide that the prohibition in (1) applies only to a contract paid partly or wholly from public funds between a governmental entity and a company with at least 10 full-time employees that has a value of at least $100,000.

H.B. 2581 (Kacal) – Construction and Civil Works Projects: would, among other things: (1) allow a governmental entity to: (a) implement a prequalification process to eliminate unqualified offerors from and prequalify potential offerors meeting minimum standards for consideration for a civil works project for which a request for bids, proposals, or qualifications is authorized; and (b) directly solicit qualifications from potential offerors 30 days before the project solicitation is issued if the competitive requirements and other applicable law are followed; (2) provide that: (a) an offeror who submits a bid, proposal, or response to a request for qualifications for a construction contract under certain law may, after the contract is awarded, make a request in writing to the governmental entity to provide documents related to the evaluation of the offeror's submission; and (b) not later than the 30th day after the date a request is made, the governmental entity shall deliver to the offeror the documents relating to the evaluation of the submission including, if applicable, its ranking of the submission; (3) provide that for civil works projects, the weighted value assigned to price must be at least 50 percent of the total weighted value of all selection criteria; however, if the governing body of a governmental entity determines that assigning a lower weighted value to price is in the public interest, the governmental

entity may assign to price a weighted value of not less than 40 percent of the total weighted value of all selection criteria; and (4) provide that when the competitive sealed proposal procurement method is used, the governmental entity shall make the evaluations, including any scores, public and provide them to all offerors not later than the seventh business day after the date the contract is awarded.

S.B. 19 (Schwertner) – Firearms: would: (1) prohibit a governmental entity from entering into a contract with a company for the purchase of goods or services unless the contract contains a written verification from the company that it: (a) doesn't have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (b) will not discriminate during the term of the contract against a firearm entity or firearm trade association; and (2) provide that the prohibition in (1) applies only to a contract paid partly or wholly from public funds between a governmental entity and a company with at least 10 full-time employees that has a value of at least $100,000.

S.B. 1014 (Buckingham) – Public Work Contracts: would, among other things: (1) define: (a) "public work contract" to include work performed on public property leased by a governmental entity to a nongovernmental entity; and (b) "prime contractor" to include a person that makes a public work contract with a person who leases any public property; and (2) require a performance and payment bond when a governmental entity authorizes a nongovernmental entity leasing public property from the governmental entity to contract with a prime contractor. (Companion bill is H.B. 1477 by K. Bell.)

S.B. 1097 (Creighton) – Public Works Contracts Retainage: would provide that:
1. "warranty period" means the period of time specified in a contract during which certain terms applicable to the warranting of work performed under the contract are in effect;
2. a governmental entity: (a) shall include in each public works contract a provision that establishes the circumstances under which a public works project is considered substantially complete; (b) may release the retainage for substantially completed portions of the project, or fully completed and accepted portions of the project; (c) shall maintain an accurate record of accounting for the retainage withheld on periodic contracts payments and the retainage released to the prime contractor for a public works contract; and (d) shall, for certain public works contracts with a value of $10 million or more, pay any remaining retainage on periodic contract payments, and the interest earned on the retainage, to the prime contractor on completion of the contract;
3. if the total value of a public works contract is $1 million or more, a governmental entity may not withhold retainage in an amount that exceeds five percent of the contract price, and the rate of retainage may not exceed five percent for any item in a bid schedule or schedule of values for the project;
4. except certain contacts funded through the Texas Water Development Board from the limitation described in (3), above;
5. for a competitively awarded contract with a value of $10 million or more, and for a contract awarded using a method other than competitive bidding, a governmental entity and prime contractor may agree to deposit in an interest-bearing account the retainage withheld on periodic contract payments;
6. a governmental entity may not withhold retainage: (a) after completion of the contract by the prime contractor, including during the warranty period; or (b) for the purpose of requiring the prime contractor, after completion of the contract, to perform work on manufactured goods or systems that were specified by the designer of record and properly installed by the contractor;
7. on application to a governmental entity for final payment and release of retainage, the governmental entity may withhold retainage if there is a bona fide dispute between the governmental entity and the prime contractor and the reason for the dispute is that labor, services, or materials provided by the prime

contractor or the prime contractor's subcontractors were not provided in compliance with the contract; and

8. if there is no bona fide dispute as described (7), above, and neither party is in default, a prime contractor is entitled to: (a) cure any noncompliant labor, services, or materials; or (b) offer the governmental entity a reasonable amount of money as compensation for any noncompliant labor, services, or materials that cannot be promptly cured. (Companion bill is H.B. 692 by Shine.)

S.B. 1098 (Creighton) – Airport Contracts: would provide that: (1) a local government, including a city, or a person operating an airport on behalf of a local government may not enter into a contract for the acquisition, construction, improvement, or renovation of airport infrastructure or equipment, including a terminal, security system, or passenger boarding bridge, used at an airport or an air navigation facility associated with an airport (an "airport infrastructure or equipment contract") with the following entities: (a) an entity that a federal court determines has misappropriated intellectual property or trade secrets from another entity organized under federal, state, or local law and is owned wholly or partly by, is controlled by, or receives subsidies from the government of a country that: (i) is identified under federal law as a priority foreign country; or (ii) is subject to monitoring by the Office of the United States Trade Representative for compliance with a measure or trade agreement; or (b) any entity that owns, controls, is owned or controlled by, is under common ownership with, or is a successor to an entity described by (1)(a), above; and (2) an airport infrastructure or equipment contract for goods or services entered into by a local government or a person operating an airport on behalf of a local government must contain a written statement by the entity with which the local government or person is contracting verifying that the entity is not an entity described by (1), above. (Companion bill is H.B. 1739 by Romero.)

TRANSPORTATION

H.B. 2700 (Martinez) – Highway Maintenance: would: (1) provide that the Texas Department of Transportation and a city may enter into an agreement to allow the city to maintain all or a portion of the state highway right-of-way located in the city or the city's extraterritorial jurisdiction; and (2) provide that an agreement under (1) must provide compensation to the city that is equal to the cost the department would incur if the department or a contractor acting on behalf of the department maintained the right-of-way.

S.B. 1055 (Huffman) – Crosswalk: would provide that it is a criminal offense for a person, with criminal negligence, to operate a motor vehicle within the area of a crosswalk and cause bodily injury to a pedestrian or a person operating a bicycle, scooter, electronic personal assistive mobility device, neighborhood electric vehicle, or golf cart. (Companion bill is H.B. 2081 by Reynolds.)

UTILITIES AND ENVIRONMENT

H.B. 2573 (Kuempel) – Water Regulations: would provide that a city may not extend into its extraterritorial jurisdiction a city ordinance that imposes cut and fill depth requirements or other water quality regulations on a project that are more stringent than the applicable minimum state and federal water quality requirements unless the project is located in an area that is an aquifer recharge or contributing zone.

H.B. 2905 (Morrison) – Public-Private Partnership Water Projects: would provide that: (1) a person that receives money from the state water implementation revenue fund may enter into an agreement with a private entity to design, develop, finance, or construct a certain projects funded by the Texas Water

Development Board and may use money received from the fund to make payments for the agreement; (2) an eligible political subdivision that receives money from the flood infrastructure fund may enter into a contract as provided for by law with a private entity to design, develop, finance, or construct a flood project and may use money from the fund to make payments under a contract; and (3) an eligible political subdivision that receives money from the water infrastructure fund may enter into a contract as provided for by law with a private entity to design, develop, finance, or construct a flood project and may use money from the fund to make payments under a contract.